

**PB# 99-2**

**HIGHVIEW ESTATES**

**56-1-19.15**

99 - 2 Highview Estates - 3 Lot Sub  
- Toleman Road - (yanosh)

Approved

4/11/01

Wilson Jones • Carbonless • S1654-NCR Duplicate • S1657N-CL TriPLICATE

© Wilson Jones, 1989

DATE January 11, 1999 **RECEIPT** 037464  
 RECEIVED FROM Highview Estates of Orange County Inc  
 Address Lefty and 00/100 DOLLARS \$ 50.00  
 FOR Planning Board Application  
Fee # 99-2

ACCOUNT		HOW PAID	
BEGINNING BALANCE		CASH	#4045
AMOUNT PAID		CHECK	50 00
BALANCE DUE		MONEY ORDER	

Town Clerk  
 BY Dorothy H. Hansen

Wilson Jones • Carbonless • S1642-1W-CL Duplicate • S1644-4W-CL TriPLICATE

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DATE January 11, 1999 **RECEIPT** N U M B E R 99-2  
 RECEIVED FROM HIGHVIEW Estates of Orange  
 Address P.O. Box 286 - Salisbury Mills, N.Y. 12577  
Four Hundred Fifty 00/100 DOLLARS \$ 450.00  
 FOR 3 lot Subdivision Escrow

ACCOUNT		HOW PAID	
BEGINNING BALANCE	450 -	CASH	
AMOUNT PAID	450 -	CHECK	#4046
BALANCE DUE	-0-	MONEY ORDER	

Myra L. Haan

Wilson/Jor

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AMOUNT PAID		CHECK	50	00
BALANCE DUE		MONEY ORDER		

BY *Dorothy H. Hansen*

Wilson Jones - Carbonless - S1622-JWCL Duplicate - S1644-JWCL Triplicate

© Wilson Jones, 1989

DATE *January 11, 1999* RECEIPT NUMBER *99-2*  
RECEIVED FROM *Highbury Estates of Orange*  
Address *P.O. Box 286 - Salisbury Mills, N.Y. 12577*  
*Four Hundred Fifty 00/100* DOLLARS \$*450.00*  
FOR *3 lot Subdivision Escrow*

ACCOUNT		HOW PAID	
BEGINNING BALANCE	<i>450 -</i>	CASH	
AMOUNT PAID	<i>450 -</i>	CHECK	<i>#4046</i>
BALANCE DUE	<i>-0 -</i>	MONEY ORDER	

BY *Mary L. Haas*

*2/22/01  
To Mark for file*

*4-5-99  
Called Dan Yarosh.  
Told him he was on for  
4/28/99 to continue P.N.  
↑ cancelled*

*Tolman Road - (Yarosh)*



Map Number 74-01 City [ ]  
Section 56 Block 1 Lot 19.15 Town [ ] Village [ ] New Windsor

Title: High View Estates of Orange  
County, Inc.

Dated: 10-29-98 Filed 4-23-01

Approved by James Restro  
on 4-11-01

Record Owner High View Estates of Orange  
County, Inc.  
DONNA L. BENSON  
Orange County Clerk

(2 Sheets)

MYLE DONKER III \*  
69 GRAND STREET  
NEWBURGH, NY 12550

RICHARD P BURKE  
293 TOLEMAN RD  
WASHINGTONVILLE, NY 10992

JOHN MOYNIHAN  
941 BLUEWATER DR  
INDIAN HARBOUR BEACH, FL 32937

MARK S & KATHLEEN B RIDGEWAY \*  
15 OAK HILL DR  
ROCK TAVERN, NY 12575

THOMAS & STEPHANIE COLESANTI  
11 CESSNA DR  
WASHINGTONVILLE, NY 10992

ANTHONY E & COLLEEN A FAYO  
308 BULL RD  
WASHINGTONVILLE, NY 10992

PETER & FLORA SALTINI \*  
C/o NOREEN LIGOTTI  
357 PIN OAK LANE  
WESTBURY, NY 11590

THEODORE & FLORENCE  
BADIUKIEWICZ  
287 TOLEMAN RD  
WASHINGTONVILLE, NY 10992

JOSEPH E RAKOWIECKI \*\*  
151 STATION RD  
SALISBURY MILLS, NY 12577

JP & JP ASSOCIATES INC \*  
PO BOX 7420  
NEWBURGH, NY 12550

RICHARD & NORMA DAY  
420 W 259 ST  
BRONX, NY 10471

ROBERT K & DIANE TUTTLE  
205 TOLEMAN RD  
WASHINGTONVILLE, NY 10992

BRIAN C & HELEN FLINT \*  
231 TOLEMAN RD  
WASHINGTONVILLE, NY 10992

JAY & KATHLEEN KERRY BYALICK  
275 TOLEMAN RD  
WASHINGTONVILLE, NY 10992

WILLIAM A SHARP &  
MARY JANE MORSE  
197 TOLEMAN RD  
WASHINGTONVILLE, NY 10992

ANSELMO IRIZARRY & \*  
ANNETTE SIMMONS  
237 TOLEMAN RD  
WASHINGTONVILLE, NY 10992

ANDREA L SPEIRS &  
HEATHER HANNAH  
13 OAK HILL DR.  
ROCK TAVERN, NY 12575

BRUCE P & MARIA CUSTARDOY  
THOMAS  
191 TOLEMAN RD  
WASHINGTONVILLE, NY 10992

ANTHONY J HAAS & \*  
MAUREEN GALLAGHER  
249 TOLEMAN RD  
WASHINGTONVILLE, NY 10992

NOREEN & GERALD FIORITI  
11 OAK HILL DR  
ROCK TAVERN, NY 12575

JOSEPH & KAREN BONOMI  
185 TOLEMAN RD  
WASHINGTONVILLE, NY 10992

KEVIN & VALERIE McPATR LAND \*  
255 TOLEMAN RD  
WASHINGTONVILLE, NY 10992

HIGHLAND OPERATING LTD \*  
290 TOLEMAN RD  
WASHINGTONVILLE, NY 10992

ANGELA GARDNER &  
GIUSEPPE BILLE  
5 VINEYARD LANE  
WASHINGTONVILLE, NY 10992

AKHTAR H SAFDER, \*  
BABY VARGHESE, ABRAHAM  
THOMAS  
564 QUAIL VALLEY  
PRINCETON, WV 24740

EDMUND HUSTON &  
ELEANOR MURPHY  
296 BULL RD  
WASHINGTONVILLE, NY 10992

RAYMOND & BETH MINASI  
7 VINEYARD LANE  
WASHINGTONVILLE, NY 10992

VINCENT & JEAN MINUTA \*\*  
259 TOLEMAN RD  
WASHINGTONVILLE, NY 10992

BARBARA P PERRONE &  
SUSAN GIANNICO  
AS TRUSTEES OF THE  
BARBARA P PERRONE LIVING TRUST  
124 BULL RD  
WASHINGTONVILLE, NY 10992

CONSOLIDATED RAIL CORP. \*  
6 PENN CENTER PLAZA  
PHILADELPHIA, PA 19103

SAINT-PRIX NADIR ALDIR & SERGE  
215 TOLEMAN RD  
NEW WINDSOR, NY 12553

CONRAD & LINDA SCHOBOHM  
12 VINEYARD LANE  
WASHINGTONVILLE, NY 10992

STANLEY & CINDY CESARK  
263 TOLEMAN RD  
WASHINGTONVILLE, NY 10992

YOLANDA & SAMUEL MARTINEZ SR  
269 TOLEMAN RD  
WASHINGTONVILLE, NY 10992

LAURA & RICHARD DEREVENSKY  
PO BOX 309  
WASHINGTONVILLE, NY 10992

GEORGE J. MEYERS, SUPERVISOR  
TOWN OF NEW WINDSOR  
555 UNION AVE  
NEW WINDSOR, NY 12553

DOROTHY H. HANSEN, TOWN CLERK  
TOWN OF NEW WINDSOR  
555 UNION AVE  
NEW WINDSOR, NY 12553

ANDREW KRIEGER, ESQ  
219 QUASSAICK AVENUE  
NEW WINDSOR, NY 12553

JAMES R. PETRO, CHAIRMAN  
PLANNING BOARD  
555 UNION AVENUE  
NEW WINDSOR, NY 12553

MARK J. EDSALL, P.E.  
MCGOEY AND HAUSER  
CONSULTING ENGINEERS, P.C.  
45 QUASSAICK AVENUE  
NEW WINDSOR, NY 12553

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the PLANNING BOARD of the TOWN OF NEW WINDSOR, County of Orange, State of New York will hold a PUBLIC HEARING at Town Hall, 555 Union Avenue, New Windsor, New York on May 10, 2000 at 7:30 P.M. on the approval of the proposed 3 Lot Subdivision of Lands of Highview Estates of Orange County, Inc., located on Toleman Road being tax map parcel Section 56 Block 1 Lot 19.15. This Public Hearing is a continuation of an earlier Public Hearing for this project and a map of the 3 Lot Subdivision of Lands of Highview Estates of Orange County, Inc. is on file and may be inspected at the Planning Board Office, Town Hall, 555 Union Avenue, New Windsor, N.Y. prior to the Public Hearing.

April 20, 2000

By Order of

TOWN OF NEW WINDSOR PLANNING BOARD

James R. Petro, Jr.

Chairman

## **AGRICULTURAL DISTRICT NOTICE**

**NOTICE IS HEREBY GIVEN** that the **PLANNING BOARD** of the **TOWN OF NEW WINDSOR**, County of Orange, State of New York has before it an application for Subdivision for the proposed 3 Lot Subdivision of lands of Highview Estates of Orange County, Inc.

As this project may be located within 500' of a farm operation located within an Agricultural District, the **TOWN OF NEW WINDSOR** is required to notify property owners of property containing a farm operation within this Agricultural District and within 500' of the proposed project.

**Owner/Applicant:** Highview Estates of Orange County, Inc.

**Address:** P.O. Box 286, Salisbury Mills, NY 12577

**Project Location:** Tax Map Parcel: Section 56, Block 1, Lot 19.15

**Street:** Toleman Road

A map of this project is on file and may be inspected at the Planning Board Office, Town Hall, 555 Union Avenue, New Windsor, New York

**Date:** April 20, 2000

**TOWN OF NEW WINDSOR PLANNING BOARD**

**James R. Petro, Jr.**

**Chairman**



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (914) 563-4631  
Fax: (914) 563-4693

## Assessors Office

March 21, 2000

Highview Estates of Orange County  
PO Box 286  
Salisbury Mills, NY 12577

Re: 56-1-19.15

Dear Mr. Yanosh

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

Parcels marked with an asterisk (\*) represent abutting parcels, two asterisks (\*\*) represent parcels within an Agricultural District.

The charge for this service is \$ 55.00, minus your deposit of \$ 25.00.

Please remit the balance of \$ 30.00 to the Town Clerk's Office.

Sincerely,

*L. Cook (b.w.)*

Leslie Cook  
Sole Assessor

LC/bw

CC: Myra Mason, PB

*40 letters  
P.H. April 26<sup>th</sup>  
May 10<sup>th</sup>*

Akhtar H. Safder, Baby Varghese  
Abraham Thomas  
564 Quail Valley  
Princeton, WV 24740

Highland Operating Ltd.  
P. O. Box 479  
Washingtonville, N. Y. 10992 \*

Highview Estates of Orange County, Inc.  
P. O. Box 457  
Washingtonville, N. Y. 10992 \*

Richard P. Burke  
293 Toleman Road  
Washingtonville, N. Y. 10992

Peter & Flora Saltini  
% Noreen Ligotti  
357 Pin Oak Lane  
Westbury, N. Y. 11590 \*

Kevin & Valerie McPartland  
255 Toleman Road  
Washingtonville, N. Y. 10992 \*

Thomas & Stephanie Colesanti  
11 Cessna Drive  
Washingtonville, N. Y. 10992

Edmund & Eleanor Murphy  
29 Bull Road  
Washingtonville, N. Y. 10992

Joseph E. Rakowiecki  
151 Station Road  
Salisbury Mills, N. Y. 112577 \*\*

Ronald R. & Kathryn A. Stringer  
287 Toleman road  
Washingtonville, N. Y. 10992

Barbara P. Perrone & Susan Giannico  
Trustees of Barbara P. Perrone Living Trust  
124 Bull Road  
Washingtonville, N. Y. 10992

Michael & Elaine Garguilo  
620 78th Street  
Brooklyn, N. Y. 11209

Richard & Norma Day  
420 W. 259th Street  
Bronx, N. Y. 10471

John Moynihan  
941 Bluewater Drive  
Indian Harbour Beach, FL 32937

Dennis M. & Jacqueline M. O'Leary  
215 Toleman Road  
Washingtonville, N. Y. 10992

Jay & Kathleen Kerry Byalick  
275 Toleman Road  
Washingtonville, N. Y. 10992

Anthony E. & Colleen A. Fayó  
380 Mt. Airy Road  
New Windsor, N. Y. 12553

William A. Sharp & Mary Jane Morse  
197 Toleman Road  
Washingtonville, N. Y. 10992

Myle Donker III  
69 Grand Street  
Newburgh, N. Y. 12550

JP & JP Associates, Inc.  
P. O. Box 7420  
Newburgh, N. Y. 12550 \*

Bruce P. & Maria Custardoy Thomas  
191 Toleman road  
Washingtonville, N. Y. 10992

Mark S. & Kathleen B. Ridgeway  
15 Oak Hill Drive  
Rock Tavern, N. Y. 12575 \*

Brian C. & Helen Flint  
231 Toleman Road  
Washingtonville, N. Y. 10992 \*

Elyse S. Popovchak  
185 Toleman Road  
Washingtonville, N. Y. 10992

Andrea L. Speirs & Heather Hannah  
13 Oak Hill Drive  
Rock Tavern, N. Y. 12575 \*

Anselmo Irizarry & Annette Simmons  
237 Toleman Road  
Washingtonville, N. Y. 10992 \*

Angela Gardner & Guiseppe Bille  
5 Vineyard Lane  
Washingtonville, N. Y. 10992

Noreen & Gerald Fioriti  
P. O. Box 83, 11 Oak Hill Drive  
Rock Tavern, N. Y. 12575

Anthony J. Haas & Maureen Gallagher  
249 Toleman Road  
Washingtonville, N. Y. 10992 \*

Raymond & Beth Minasi  
7 Vineyard Lane  
Washingtonville, N. Y. 10992

Consolidated Rail Corp.  
6 Penn Center Plaza  
Philadelphia, PA 19103 \*

Akhtar H. Safdar, Baby Varghese  
Abraham Thomas  
564 Quail Valley  
Princeton, WV 24740 \*

Conrad & Linda Schobohm  
12 Vineyard Lane  
Washingtonville, N. Y. 10992

Kevin J. & Mary Lou Flanagan  
8 Vineyard Lane  
Washingtonville, N. Y. 10992

Stanley & Cindy Cesark  
273 Toleman Road  
Washingtonville, N. Y. 10992

Samuel & Yolanda Martinez  
269 Toleman Road  
Washingtonville, N. Y. 10992

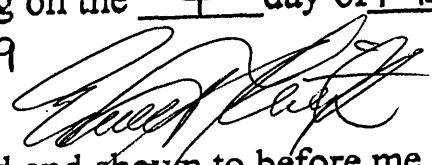
Vincent & Jean Minuta  
259 Toleman Road  
Washingtonville, N. Y. 10992 \*



**LEGAL NOTICE**  
NOTICE IS HEREBY GIVEN that the PLANNING BOARD of the TOWN OF NEW WINDSOR, County of Orange, State of New York will hold a PUBLIC HEARING at Town Hall, 555 Union Avenue, New Windsor, New York on March 24, 1999 at 7:30 P.M. on the approval of the proposed 3 Lot Subdivision of Lands of Highview Estates of Orange County, Inc. located on Toleman Road (Section 56, Block 1, Lot 19.15). Map of the Subdivision of Lands is on file and may be inspected at the Planning Board Office, Town Hall, 555 Union Avenue, New Windsor, NY prior to the Public Hearing.  
February 23, 1999

By Order of  
TOWN OF NEW WINDSOR  
PLANNING BOARD  
James R. Petro, Jr.  
Chairman

State of New York  
County of Orange, ss:  
Everett Smith, being duly sworn  
disposes and says that he is  
President of the E.W. Smith  
Publishing Company, Inc. publisher  
of The Sentinel, a weekly newspaper  
published and of general circulation  
in the Town of New Windsor, and that  
the notice of which the annexed is a  
true copy was published Once  
in said newspaper, commencing on  
the 4 day of March A.D., 1999  
and ending on the 4 day of March  
A.D. 1999

  
Subscribed and shown to before me  
this 14 day of March, 1999.

Mary E. Fordenbacher  
Notary Public of the State of New York  
County of Orange.

My commission expires 2.28.01

MARY E. FORDENBACHER  
Notary Public, State of NY  
Residing in Orange County  
No. 4718013

REGULAR ITEMS:

HIGHVIEW ESTATES SUBDIVISION (99-2)

Mr. Daniel Yanosh appeared before the board for this proposal.

MR. PETRO: This project involves the subdivision of the 41.2 acre parcel into three single family residential lots. This plan was previously reviewed at the 13 January, 1999, 24 March, 1999 and 10 May, 2000 and 23 August, 2000 Planning Board meetings. You have been here a lot of times for this.

MR. YANOSH: Quite a number of times.

MR. PETRO: The outstanding issue which has delayed this application is the permits required from the New York State DEC and SEQRA issues. The board held public hearings on the 3/24/99 and 5/10/2000 Planning Board meetings with the hearing closed at the later meeting and negative dec was adopted on the 7/27/2000 meeting. Okay, Mr. Yanosh?

MR. YANOSH: Again, the final things we were waiting for was DEC approval to cross the wetlands, we have received that permit Mark has a copy in his file, sent it over to Myra that was issued December 8, was the complete application and the permit was effective January 19. In order to fill this area here, wetlands, the DEC has required us to remove this area of fill that was placed on lot number 2 where all the former debris was and debris has been moved away now, the fill that's in here now will be removed, the wetlands will be contained back to where it was before. It's really a buffer zone in there and the dirt will be used to fill in this area, that's part of the DEC application. So again, we won't be able to finish anything with the permit application until this area here is cleaned up which is one of the big issues of the Planning Board back then I think I have commented, taken care of Mark's previous comments.

MR. ARGENIO: It is or it not cleaned up?

MR. YANOSH: The debris is out, the refrigerator and stuff that was dumped there before, but the fill is not moved, we're going to use that fill for the driveway and that will all be re-seeded and re-graded down below back to the buffer zone, however, it was before the fill was placed.

MR. LANDER: Mr. Yanosh, how are we going to keep the refrigerators from being dumped there?

MR. YANOSH: Once this gets taken off that slope comes back in again, nobody will be able to pull off the road and dump.

MR. PETRO: Okay, we have fire approval on 8/18/2000 and highway approval on 1/11/99, I need a motion for negative dec under the SEQRA process.

MR. EDSALL: You already did it July 27.

MR. PETRO: Okay, we reviewed this five times, gentlemen, and when Mark has no further comments at all, and the only subject to will be approval of fees, I think it's time for a final approval. Anybody disagree? Have anything to add or subtract?

MR. BABCOCK: I just have one thing to add, you had told the Planning Board secretary to notify my office before this was on the agenda again for site inspection, we went there today to see if this area was cleaned up, with the snow load, it's really impossible to tell, we know the material's still there, the dirt's still there.

MR. PETRO: How about the stumps, couldn't tell?

MR. BABCOCK: Couldn't tell whether they were there, you could tell the people were cutting the trees, whether somebody's taking them for firewood or they're cutting it up to get rid of it, other than that, you really couldn't tell what was there and what wasn't there.

MR. ARGENIO: No refrigerators or sinks are sticking up through the snow?

MR. BABCOCK: We didn't see any of that.

MR. PETRO: Big issue was the stumps, wasn't that the biggest complaint by the people, other than the drainage?

MR. ARGENIO: Garbage, too, Mr. Chairman.

MR. PETRO: What we'll do we'll have an understanding we're going to continue and if it's not cleaned up then you just won't be getting building permits issued.

MR. YANOSH: Maybe a note on here that prior to issuance of a building permit for lot number 2, all this material has to be taken off. I can put that as a condition on the map.

MR. PETRO: Just make a note.

MR. LANDER: Mark, your last comment 2 damage to the wetland area?

MR. EDSALL: That's what he spoke about, the DEC actually made a condition of the permit restoring that area, that's what Dan mentioned so they kind of worked in conjunction with what you fellas wanted.

MR. PETRO: Motion for final approval.

MR. ARGENIO: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Highview Estates subdivision on Toleman Road. Is there any further discussion from the board members? Subject to would be the note on the plan stating that if the garbage stumps are not removed and cleaned, that the building department will not be issuing building permits. Secondly, all fees and permits have to be paid. With that, roll call.

ROLL CALL

February 14, 2001

21

MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. LANDER	AYE
MR. PETRO	AYE

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 04/11/2001

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE:

STATUS [Open, Withd]  
A [Disap, Appr]

FOR PROJECT NUMBER: 99-2

NAME: HIGHVIEW ESTATES SUBDIVISION

APPLICANT: HIGHVIEW ESTATES OF ORANGE COUNTY

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
04/11/2001	PLANS STAMPED	APPROVED
02/14/2001	P.B. APPEARANCE . NEED NOTE ON PLAN RE: CLEAN UP OF LOT #2	APPR. COND
08/23/2000	P.B. APPEARANCE . NEED PHOTOS OF DRIVEWAY FOR NEXT MEETING. NEED 15" CULVERT . UNDER DRIVEWAY IN FRONT. LET MIKE KNOW WHEN ON NEXT AGENDA . SO HE CAN INSPECT.	NEED PHOTOS OF DRIVE
07/26/2000	DISCUSSION AT END OF MEETING	DECL NEG DEC
05/10/2000	CONTINUED PUBLIC HEARING . FIRE INSPECTOR TO INSPECT PROPERTY FOR DUMPING - CHECK FOR . CURTAIN DRAINS - RETURN	CLOSED PH - RETURN
03/24/2000	PUBLIC HEARING	TO BE CONTINUED
01/13/1999	P.B. APPEARANCE	LA:SCH PH
01/06/1999	WORK SHOP APPEARANCE	SUBMIT

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 03/21/2001

PAGE: 1

LISTING OF PLANNING BOARD FEES  
RECREATION

FOR PROJECT NUMBER: 99-2

NAME: HIGHVIEW ESTATES SUBDIVISION  
APPLICANT: HIGHVIEW ESTATES OF ORANGE COUNTY

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
03/20/2001	2 LOT RECREATION FEE	CHG	1000.00		
03/21/2001	REC. CK. # 5998	PAID		1000.00	
			-----	-----	-----
		TOTAL:	1000.00	1000.00	0.00



PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 03/21/2001

PAGE: 1

LISTING OF PLANNING BOARD FEES  
ESCROW

FOR PROJECT NUMBER: 99-2

NAME: HIGHVIEW ESTATES SUBDIVISION

APPLICANT: HIGHVIEW ESTATES OF ORANGE COUNTY

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
01/11/1999	REC. CK. #4046	PAID		450.00	
01/13/1999	P.B. ATTY. FEE	CHG	35.00		
01/13/1999	P.B. MINUTES	CHG	22.50		
03/24/1999	P.B. ATTY. FEE	CHG	35.00		
03/24/1999	P.B. MINUTES	CHG	85.50		
05/10/2000	P.B. MINUTES	CHG	103.50		
05/10/2000	P.B. ATTY. FEE	CHG	35.00		
08/23/2000	P.B. ATTY. FEE	CHG	35.00		
08/23/2000	P.B. MINUTES	CHG	22.50		
02/14/2001	P.B. ATTY. FEE	CHG	35.00		
02/14/2001	P.B. MINUTES	CHG	18.00		
03/07/2001	P.B. ENG. FEE	CHG	993.50		
03/21/2001	REC. CK. #6002	PAID		970.50	
			-----	-----	-----
		TOTAL:	1420.50	1420.50	0.00





PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 03/21/2001

PAGE: 1

LISTING OF PLANNING BOARD **FEES**  
**APPROVAL**

FOR PROJECT NUMBER: 99-2

NAME: HIGHVIEW ESTATES SUBDIVISION

APPLICANT: HIGHVIEW ESTATES OF ORANGE COUNTY

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
03/20/2001	SUB. APPROVAL FEES	CHG	265.00		
03/21/2001	REC CK. #6003	PAID		265.00	
			-----	-----	-----
		TOTAL:	265.00	265.00	0.00

AS OF: 03/07/2001

PAGE: 2

CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-56

NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)

CLIENT: NEWWIN - TOWN OF NEW WINDSOR

TASK: 99- 2

FOR WORK DONE PRIOR TO: 03/07/2001

TASK-NO	REC	--DATE--	TRAN	EMPL	ACT	DESCRIPTION-----	RATE	HRS.	TIME	EXP.	BILLED	BALANCE
99-2	164091	08/23/00	TIME	MJE	MC	HIGHVIEW SUB	80.00	0.40	32.00			
									32.00			
99-2	165507	09/18/00				BILL 00-871					-80.00	
											-80.00	
99-2	169623	11/06/00	TIME	MJE	MC	TC/YANOSH RE NG DEC	80.00	0.30	24.00			
99-2	169624	11/06/00	TIME	MJE	MC	FILE RVW & PREP NEG	80.00	0.40	32.00			
									56.00			
99-2	173442	12/31/00				BILL 01-121 1/16/01					-56.00	
											-56.00	
99-2	174945	01/26/01	TIME	MJE	MC	TC/YANOSH-HIGHVW DEC	85.00	0.30	25.50			
99-2	176733	02/07/01	TIME	MJE	WS	HIGHVIEW EST SUB	85.00	0.40	34.00			
99-2	175836	02/14/01	TIME	MJE	MM	Highview Cond Appl	85.00	0.10	8.50			
99-2	176812	02/14/01	TIME	MJE	MC	HIGHVIEW SUB	85.00	0.50	42.50			
						TASK TOTAL			951.00	0.00	-840.50	110.50
						GRAND TOTAL			951.00	0.00	-840.50	110.50

client %

42.50  
993.50

Plan OK to stamp. *[Signature]*

AS OF: 03/07/2001

PAGE: 1

## CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-56

NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)

CLIENT: NEWWIN - TOWN OF NEW WINDSOR

TASK: 99- 2

FOR WORK DONE PRIOR TO: 03/07/2001

										-----DOLLARS-----			
TASK-NO	REC	--DATE--	TRAN	EMPL	ACT DESCRIPTION-----	RATE	HRS.	TIME	EXP.	BILLED	BALANCE		
. . . . .													
99-2	127772	01/06/99	TIME	MJE	WS HIGHVIEW	75.00	0.40	30.00					
99-2	127773	01/06/99	TIME	MJE	WS HIGHVIEW	75.00	0.40	30.00					
99-2	127697	01/12/99	TIME	MCK	CL HIGHVIEW EST. S/D	28.00	0.50	14.00					
99-2	127974	01/12/99	TIME	MJE	MC HIGHVIEW	75.00	0.40	30.00					
99-2	128860	01/25/99	TIME	MJE	MC HIGHVIEW L/A COORD	75.00	0.40	30.00					
99-2	128693	01/26/99	TIME	DMV	CL HIGHVIEW/SEQRA LTR	25.00	0.50	12.50					
99-2	128695	01/27/99	TIME	DMV	CL HIGHVIEW/SEQRA LTR	25.00	0.20	5.00					
									-----				
									151.50				
99-2	129239	01/31/99			BILL 99-215 2/16/99					-91.50			
										-----			
										-91.50			
99-2	133650	04/26/99	TIME	MJE	GM HIGHVIEW CALLS-RESID	75.00	0.50	37.50					
99-2	133651	04/26/99	TIME	MJE	FM HIGHVIEW SUB	75.00	1.00	75.00					
99-2	133652	04/27/99	TIME	MJE	MC HIGHVIEW	75.00	0.30	22.50					
99-2	133073	04/28/99	TIME	SAS	CL MEM PETRO HIGH VW ES	28.00	0.50	14.00					
99-2	133653	04/28/99	TIME	MJE	MC HIGHVIEW	75.00	0.30	22.50					
									-----				
									171.50				
99-2	134089	05/18/99			BILL 99-508					-231.50			
										-----			
										-231.50			
99-2	137246	07/06/99	TIME	MJE	MC BIAGINI W/YANOSH	75.00	0.30	22.50					
99-2	139659	07/08/99	TIME	EAD	PT PERC TEST WITNESS	50.00	1.00	50.00					
99-2	139666	07/08/99	TIME	EAD	PT PERC TEST WITNESS	50.00	3.50	175.00					
99-2	139667	07/08/99	TIME	EAD	RP MEMO RE PERC TEST	50.00	1.00	50.00					
99-2	139669	07/12/99	TIME	PSR	CL MEMO	28.00	0.50	14.00					
									-----				
									311.50				
99-2	140695	09/16/99			BILL 99-865					-311.50			
										-----			
										-311.50			
99-2	156035	05/10/00	TIME	PSR	CL HIGHVIEW EST	28.00	0.50	14.00					
99-2	156095	05/10/00	TIME	MJE	MC HIGHVIEW SUB	80.00	0.70	56.00					
99-2	162325	07/26/00	TIME	MJE	MM HIGHVIEW NEG DEC	80.00	0.30	24.00					
99-2	162328	07/26/00	TIME	MJE	MC REV NEG CORRESP	80.00	0.30	24.00					
									-----				
									118.00				
99-2	160383	07/14/00			BILL 00-682					-70.00			
										-----			
										-70.00			

SUBDIVISION FEES - TOWN OF NEW WINDSOR

MINOR SUBDIVISION FEES:

APPLICATION FEE.....\$ ~~50.00~~

ESCROW:

RESIDENTIAL:

\_\_\_ LOTS @ 150.00 (FIRST 4 LOTS).....\$

\_\_\_ LOTS @ 75.00 (ANY OVER 4 LOTS).....\$

COMMERCIAL:

\_\_\_ LOTS @ 400.00 (FIRST 4 LOTS).....\$

\_\_\_ LOTS @ 200.00 (ANY OVER 4 LOTS).....\$

TOTAL ESCROW DUE....\$

\* \* \* \* \*

APPROVAL FEES MINOR SUBDIVISION:

PRE-PRELIMINARY PLAT APPROVAL.....\$ 50.00

PRELIMINARY PLAT APPROVAL .....\$ 100.00

FINAL PLAT APPROVAL (\$100.00 + \$5.00/LOT).....\$ 115.00

FINAL PLAT SECTION FEE.....\$ ~~100.00~~

BULK LAND TRANSFER...(\$100.00).....\$

TOTAL SUBDIVISION APPROVAL FEES.....\$ 265.00

\* \* \* \* \*

RECREATION FEES:

2 LOTS @ \$500.00 PER LOT .....\$ 1,000.00

\* \* \* \* \*

THE FOLLOWING CHARGES ARE TO BE DEDUCTED FROM ESCROW:

PLANNING BOARD ENGINEER FEES.....\$

PLANNING BOARD ATTORNEY FEES.....\$

MINUTES OF MEETINGS.....\$

OTHER.....\$

\* \* \* \* \*

PERFORMANCE BOND AMOUNT.....\$

4% OF ABOVE AMOUNT.....\$

ESTIMATE OF PRIVATE IMPROVEMENTS: \$

2% OF APPROVED COST ESTIMATE:.....\$   
(INSPECTION FEE)



**McGOEY, HAUSER and EDSALL**  
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.  
JAMES M. FARR, P.E.

Licensed in NEW YORK, NEW JERSEY  
and PENNSYLVANIA

□ **Main Office**  
33 Airport Center Drive  
Suite 202  
New Windsor, New York 12553  
(845) 562-8640  
e-mail: mheny@att.net

□ **Regional Office**  
507 Broad Street  
Milford, Pennsylvania 18337  
(570) 296-2765  
e-mail: mhpa@ptd.net

**TOWN OF NEW WINDSOR  
PLANNING BOARD  
REVIEW COMMENTS**

**PROJECT NAME:** HIGHVIEW ESTATES MINOR SUBDIVISION  
**PROJECT LOCATION:** TOLEMAN ROAD  
SECTION 56 – BLOCK 1 – LOT 19.15  
**PROJECT NUMBER:** 99-02  
**DATE:** 14 FEBRUARY 2001  
**DESCRIPTION:** THE PROJECT INVOLVES THE SUBDIVISION OF THE 41.2 +/-  
ACRE PARCEL INTO THREE (3) SINGLE-FAMILY RESIDENTIAL  
LOTS. THE PLAN WAS PREVIOUSLY REVIEWED AT THE 13  
JANUARY 1999, 24 MARCH 1999, 10 MAY 2000 AND 23 AUGUST  
2000 PLANNING BOARD MEETINGS.

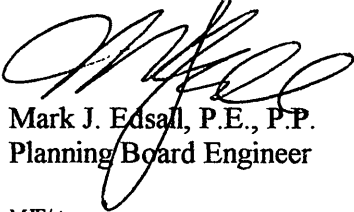
1. The applicant has address all previous comments regarding the plans from our office. The applicant has also added drainage at the driveways, per the direction of the Highway Superintendent.
2. The outstanding issue, which has delayed this application, is the permits required from the NYSDEC and the SEQRA issues.

The Board held Public Hearings at the 3/24/99 and 5/10/00 Planning Board meetings, with the Hearing closed at the latter meeting. A negative declaration was adopted at the 7/27/00 meeting.

At this time it is my understanding that the NYSDEC has issued a Complete Application notice and permits are being issued. The Board should confirm the status with the applicant's consultant. As well the condition on the permit to clean up and restore the "damaged" wetland area, should be discussed.

3. I believe the Board could consider an approval of this application at this time. I believe no Public Improvements are involved; as such, I believe the only condition of approval involves the payment of approval fees.

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.  
Planning Board Engineer

MJE/st  
NW99-02-14Feb01.doc

Town of New Windsor  
555 Union Avenue  
New Windsor, NY 12553  
(845) 563-4611

**RECEIPT**  
**#227-2001**

03/21/2001

Highview Estates Of Orange County *#99-2 Application Fee*

Received \$ 265.00 for Planning Board Fees, on 03/21/2001. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green  
Town Clerk

RESULTS OF P.B. MEETING OF: February 14, 2001

PROJECT: Highway Estates Sub. P.B.# 99-2

LEAD AGENCY:

NEGATIVE DEC:

1. AUTHORIZE COORD LETTER: Y\_\_ N\_\_

M)\_\_ S)\_\_ VOTE: A\_\_ N\_\_

2. TAKE LEAD AGENCY: Y\_\_ N\_\_

CARRIED: YES\_\_ NO\_\_

M)\_\_ S)\_\_ VOTE: A\_\_ N\_\_

CARRIED: YES\_\_ NO\_\_

WAIVE PUBLIC HEARING: M)\_\_ S)\_\_ VOTE: A\_\_ N\_\_ WAIVED: Y\_\_ N\_\_

SCHEDULE P.H. Y\_\_ N\_\_

SEND TO O.C. PLANNING: Y\_\_

SEND TO DEPT. OF TRANSPORTATION: Y\_\_

REFER TO Z.B.A.: M)\_\_ S)\_\_ VOTE: A\_\_ N\_\_

RETURN TO WORK SHOP: YES\_\_ NO\_\_

APPROVAL:

M)\_\_ S)\_\_ VOTE: A\_\_ N\_\_ APPROVED: \_\_\_\_\_

M)WS)A VOTE: A4 N0 APPROVED CONDITIONALLY: 2-14-01

NEED NEW PLANS: Y\_\_ N\_\_

DISCUSSION/APPROVAL CONDITIONS:

<u>Note on plan re: Clear up of Lot #2</u>
<u>No Bond Est. Nec.</u>





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CONSULTING ENGINEERS P.C.

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New Windsor, New York 12553  
(914) 562-8640
- ☐ Branch Office  
507 Broad Street  
Milford, Pennsylvania 18337  
(717) 296-2765

PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE

TOWN/VILLAGE OF N.W. P/B # 99-2  
WORK SESSION DATE: 7 Feb 2001 APPLICANT RESUB.  
REQUIRED:  
REAPPEARANCE AT W/S REQUESTED: \_\_\_\_\_  
PROJECT NAME: Highway  
PROJECT STATUS: NEW \_\_\_\_\_ OLD X  
REPRESENTATIVE PRESENT: Dan Y.  
MUNIC REPS PRESENT: BLDG INSP. \_\_\_\_\_  
FIRE INSP. X  
ENGINEER X  
PLANNER \_\_\_\_\_  
P/B CHMN. \_\_\_\_\_  
OTHER (Specify) \_\_\_\_\_

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

- Area cleaned up  
= OPRHP done → Dan to  
- revise set #'s  
-  
Ready for next mtg  
if OK with the Boss

pbwsform 10MJ98

X CLOSING STATUS  
Set for agenda  
possible agenda item  
Discussion item for agenda  
ZBA referral on agenda  
Approval Box ☺

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 02/14/2001

PAGE: 1

LISTING OF PLANNING BOARD **AGENCY APPROVALS**

FOR PROJECT NUMBER: 99-2

NAME: HIGHVIEW ESTATES SUBDIVISION  
APPLICANT: HIGHVIEW ESTATES OF ORANGE COUNTY

	DATE-SENT	AGENCY-----	DATE-RECD	RESPONSE-----
REV1	08/14/2000	MUNICIPAL HIGHWAY	/ /	
REV1	08/14/2000	MUNICIPAL WATER	/ /	
REV1	08/14/2000	MUNICIPAL SEWER	/ /	
REV1	08/14/2000	MUNICIPAL FIRE	08/18/2000	APPROVED
REV1	08/14/2000	NYS DOT	/ /	
ORIG	01/11/1999	MUNICIPAL HIGHWAY	01/11/1999	APPROVED
ORIG	01/11/1999	MUNICIPAL WATER	01/11/1999	APPROVED
ORIG	01/11/1999	MUNICIPAL SEWER	01/20/1999	APPROVED
ORIG	01/11/1999	MUNICIPAL FIRE	01/12/1999	APPROVED

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 02/14/2001

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE:

STATUS [Open, Withd]  
O [Disap, Appr]

FOR PROJECT NUMBER: 99-2

NAME: HIGHVIEW ESTATES SUBDIVISION  
APPLICANT: HIGHVIEW ESTATES OF ORANGE COUNTY

--DATE-- MEETING-PURPOSE-----ACTION-TAKEN-----

08/23/2000 P.B. APPEARANCE NEED PHOTOS OF DRIVE  
. NEED PHOTOS OF DRIVEWAY FOR NEXT MEETING. NEED 15" CULVERT  
. UNDER DRIVEWAY IN FRONT. LET MIKE KNOW WHEN ON NEXT AGENDA  
. SO HE CAN INSPECT.

07/26/2000 DISCUSSION AT END OF MEETING DECL NEG DEC

05/10/2000 CONTINUED PUBLIC HEARING CLOSED PH - RETURN  
. FIRE INSPECTOR TO INSPECT PROPERTY FOR DUMPING - CHECK FOR  
. CURTAIN DRAINS - RETURN

03/24/2000 PUBLIC HEARING TO BE CONTINUED

01/13/1999 P.B. APPEARANCE LA:SCH PH

01/06/1999 WORK SHOP APPEARANCE SUBMIT

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 02/14/2001

PAGE: 1

LISTING OF PLANNING BOARD SEQRA ACTIONS

FOR PROJECT NUMBER: 99-2

NAME: HIGHVIEW ESTATES SUBDIVISION

APPLICANT: HIGHVIEW ESTATES OF ORANGE COUNTY

	DATE-SENT	ACTION-----	DATE-RECD	RESPONSE-----
ORIG	01/11/1999	EAF SUBMITTED	01/11/1999	WITH APPLICATION
ORIG	01/11/1999	CIRCULATE TO INVOLVED AGENCIES	01/13/1999	COORD. LA LETTER
ORIG	01/11/1999	LEAD AGENCY DECLARED	/ /	
ORIG	01/11/1999	DECLARATION (POS/NEG)	07/26/2000	DECL NEG DEC
ORIG	01/11/1999	SCHEDULE PUBLIC HEARING	01/13/1999	SCHED. PUB HEAR
ORIG	01/11/1999	PUBLIC HEARING HELD . PUBLIC HEARING TO BE CONTINUED	03/24/1999	HELD PH
ORIG	01/11/1999	WAIVE PUBLIC HEARING	/ /	
ORIG	01/11/1999	AGRICULTURAL NOTICES	/ /	
REV1	05/10/2000	PUBLIC HEARING CONTINUED	05/10/2000	CLOSED PH

REGULAR ITEMS:

HIGHVIEW ESTATES SUBDIVISION (99-2)

Mr. Daniel Yanosh appeared before the board for this proposal.

MR. PETRO: This application proposed subdivision of a 41.2 acre parcel into three single family residential lots. This plan was previously reviewed at the 13 January, 1999, 23 March, 1999 and 10 May, 2000 planning board meetings. At the 10 May, 2000 planning board meeting, the applicant was asked to clean up the project area of free stumps, debris, other waste dumped at the site, the board may wish to discuss the status of that work.

MR. YANOSH: He's been out there, a lot of the stuff has been removed from the area in question where it was filled in as part of the DEC application. One of the other comments from the board was how are we coming with the DEC application crossing the wetlands and the application from them, what we had planned on doing was removing all the fill that was in here, everything that was in this area here using that for our driveways, whatever was good, the rest of it gets trucked away, clean the whole area up prior to us getting any type of approvals from them. So that will be taken care of, a little bit has been taken care of, a lot of the stuff has been taken away, a lot of the trees have been cut and stuff out of there, so that's part of the process from the DEC.

MR. LANDER: Who is the property owner here?

MR. YANOSH: Highview Estates, Ed Biagini. You've gotten a letter from the DEC last month you acted on the SEQRA.

MR. EDSALL: Yes.

MR. YANOSH: I need a copy of the SEQRA declaration, send that to the DEC so they can post it in the paper for public comments, once that gets done, we'll have the approval to remove the material and do what we have

to.

MR. PETRO: Applicant should update the board on the status of the New York State DEC wetlands permit and SPDES permit and OPRHP approval.

MR. YANOSH: We did the archeological a long time ago.

MR. EDSALL: Is that closed now?

MR. YANOSH: Yes, long time ago.

MR. EDSALL: Did the DEC require a specific site, specific SPDES permit or are they giving you a general permit?

MR. YANOSH: No, general permit is all it was.

MR. PETRO: What's going on with the sewer that was showing up in the people's yards?

MR. YANOSH: That would be the lots across the street, okay.

MR. PETRO: I know it's off this application but I still we have some duty to those people obviously to make sure that it's not an ongoing problem, has anything been done or just been put by the wayside?

MR. YANOSH: Nobody has called me, people at the public hearing, remember I said got questions, give me a call, not one has called. I can go out and look, but nobody has every come said hey, come here and look at this for me.

MR. LANDER: I think you actually gave out cards.

MR. YANOSH: Sure I did, I never got a call and I know we're going to be back with something in the back, so we'll address those then.

MR. ARGENIO: Mr. and Mrs. Irizary were here that evening along with a few others.

MR. PETRO: This application is across the street, has

nothing to do with that, but I wanted to, the stumps and the other debris was something that was to be fixed, it has taken care of?

MR. YANOSH: Some of it has been removed, the dirt hasn't come out because that's part of the permit, you can't get in there digging the wetlands before we get the permit, that's part of the permit, it's filling the wetlands and taking it out at the same time.

MR. ARGENIO: Everything that could have been cleaned up outside of the wetlands is now cleaned up?

MR. YANOSH: I haven't been out there in the last couple weeks, some of the tree stumps, somebody was out there, what they had done, they built the house, he has some guy was out there but I don't know the status of the cleanup, specifically. I haven't been there. Have you?

MR. EDSALL: I haven't.

MR. BABCOCK: No.

MR. YANOSH: That's still part of the process, DEC, we're going to get this permit to take this out to fill this in, we won't get a final, okay, and writeoff from DEC if we don't do what we're supposed to do, we'll be fined by DEC and Mr. Babcock will probably not give us a building permit until everything is satisfied or C.O. when the final thing is finished.

MR. LANDER: Was the area blocked off?

MR. YANOSH: There had been a chain back and forth, yes, but once it gets cleared up, you won't be able to pull off.

MR. PETRO: Dan, what you can do is we're not going to take action tonight anyway, when you go out there, do the other field review, take a couple polaroid shots of the driveway that had the debris in it so we can pass it around so we can take a look so I have some evidence in the file here why we're acting and we should go ahead and give you final approval, here's the reason

why, that there's been an attempt. We have a fire approval on 8/18/2000, but we have a highway disapproval on 8/22/2000, need 15 inch CMP underneath the driveway, so you're going to need to--

MR. YANOSH: Up front?

MR. PETRO: Up front.

MR. LANDER: You have nothing out in front?

MR. YANOSH: No, it slopes off real good, I didn't see a need for an actual--

MR. PETRO: Mr. Kroll's in the audience.

MR. KROLL: We want to move the water, we'd like to have it.

MR. YANOSH: Just drops off there. If you want one--

MR. KROLL: Can you put one in?

MR. PETRO: You're going to have to put it on the plan also and Mark you can check up on the other, your number 2 with the SPDES permit and the DEC wetlands permit, maybe something will come in by the next meeting.

MR. EDSALL: Myra can get Dan a copy of the negative dec that's in the minutes and that should free up the last permit.

MR. LANDER: What needs to be updated on this plan that we're looking at right now?

MR. EDSALL: I believe looking at the list, the only item that's actually missing is showing a net area value for the proposed lots.

MR. YANOSH: What do I take away?

MR. EDSALL: Wetlands.

MR. BABCOCK: There's a criteria.



MR. EDSALL: And the easement.

MR. BABCOCK: There's a criteria in the spec, any lands that lay under water for a period of time and whatever it might be.

MR. EDSALL: Just look under the lot area definition.

MR. PETRO: All right, Dan, thanks.

MR. BABCOCK: We'll ask the secretary also if next time this is on the agenda, if she notifies, let's me know, so we'll take a ride out and we'll be your eyes.

MR. PETRO: Again, we'll keep in mind that it's an application across the street but I'm trying to play both ends.

MR. YANOSH: I understand you're trying to clean it up.

**New York State Department of Environmental Conservation**  
**Division of Environmental Permits**  
NYSDEC REGION 3 HEADQUARTERS  
21 SOUTH PUTT CORNERS RD  
NEW PALTZ, NY 12561-1696  
(845) 256-3054

December 08, 2000

HIGHVIEW ESTATES OF ORANGE COUNTY INC  
PO BOX 286  
SALISBURY MILLS, NY 12577

Re: DEC ID # 3-3348-00193/00001  
HIGHVIEW ESTATES SUBDIVISION

Dear Applicant:

Please be advised that your application for a DEC permit(s) is complete and a technical review has commenced. Notice and the opportunity for public comment is required for this application. Enclosed is a Notice of Complete Application for your project. Please have the Notice published in the newspaper identified below once during the week of 12/11/2000 on any day Monday through Friday.

The official newspaper of the Town (City) of NEW WINDSOR.

Contact the Town (City) Clerk's office to confirm the official newspaper.

NOTE:

Only the Notice of Complete Application, that information presented between the bold horizontal lines, on the enclosed pages(s) should be published. Do not print this letter or the information contained below the second bold horizontal line. Please request the newspaper publisher to provide you with a Proof of Publication for the Notice. Upon receipt of the Proof of Publication promptly forward it to this office. You must provide the Proof of Publication before a final decision can be rendered on your application. You are responsible for paying the cost of publishing the Notice in the newspaper.

Notification of this complete application is also being provided by this Department in the NYSDEC Environmental Notice Bulletin.

This notification does not signify approval of your application for permit. Additional information may be requested from you at a future date, if deemed necessary to reach a decision on your application. Your project is classified major under the Uniform Procedures Act. Accordingly, a decision is due within 90 days of the date of this notice unless a public hearing is held, which may extend this time frame. If a public hearing is necessary, you will be notified.

If you have any questions please contact me at the above address or phone number above.

Sincerely,

*Scott E. Sheeley*  
SCOTT E. SHEELEY  
Division of Environmental Permits

THIS IS NOT A PERMIT

**New York State Department of Environmental Conservation  
Notice of Complete Application**

*Date:* December 08, 2000

*Applicant:* HIGHVIEW ESTATES OF ORANGE COUNTY INC  
PO BOX 286  
SALISBURY MILLS, NY 12577

*Facility:* HIGHVIEW ESTATES SUBDIVISION  
EAST & WEST SIDES OF TOLEMAN RD ~1 MILE NORTH OF V-WASHINGTONVILLI  
NEW WINDSOR, NY 12553

*Application ID:* 3-3348-00193/00001

*Permits(s) Applied for:* 1 - Article 24 Freshwater Wetlands

*Project is located:* in NEW WINDSOR in ORANGE COUNTY

*Project Description:*

The applicant proposes to construct two residential driveways across State-designated Freshwater Wetland No. MB-27 (Class II) and its 100-foot adjacent area in conjunction with a three lot subdivision to be known as High View Estates. The project is located on the east side of Toleman Road, about 1.5 miles north of the intersection with Bull Road. The project involves the construction of two driveways each ten feet wide requiring the clearing of approximately 2,800 square feet (0.06 acre) of wetland and 8,400 square feet (0.19 acre) of wetland adjacent area. About 600 cubic yards of wetland soil will be excavated and replaced with stone rip-rap and gravel. To offset wetland impacts, approximately 10,000 square feet (0.23 acre) of previously filled wetland on another portion of the site will be restored by the removal of all fill material.

*State Environmental Quality Review (SEQR) Determination*

Project is an Unlisted Action and will not have a significant impact on the environment. A Negative Declaration is on file. A coordinated review was performed.

*SEQR Lead Agency* New Windsor Town Planning Board

*State Historic Preservation Act (SHPA) Determination*

A cultural resources survey has been completed. Based on information provided in the survey report, the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) has determined that the proposed activity will have no impact on registered or eligible archaeological sites or historic structures. No further review in accordance with SHPA is required.

*Coastal Management*

This project is not located in a Coastal Management area and is not subject to the Waterfront Revitalization and Coastal Resources Act.

*Availability For Public Comment*

Comments on this project must be  
submitted in writing to the Contact  
Person no later than 12/29/2000

*Contact Person*

SCOTT E. SHEELEY  
NYSDEC  
21 SOUTH PUTT CORNERS RD  
NEW PALTZ, NY 12561-1696  
(845) 256-3054

**CC List for Complete Notice**

Chief Executive Officer, *TOWN OF NEW WINDSOR*

HIGHVIEW ESTATES OF ORANGE COUNTY INC

D. YANOSH

L. KOLTS

✓File



**McGOEY, HAUSER and EDSALL**  
**CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.  
JAMES M. FARR, P.E.

Licensed in NEW YORK, NEW JERSEY  
and PENNSYLVANIA

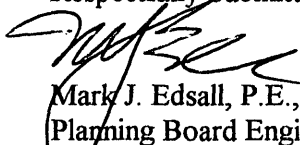
- ☐ **Main Office**  
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e-mail: mheny@att.net
- ☐ **Regional Office**  
507 Broad Street  
Milford, Pennsylvania 18337  
(570) 296-2765  
e-mail: mhepa@ptd.net

**TOWN OF NEW WINDSOR**  
**PLANNING BOARD**  
**REVIEW COMMENTS**

**PROJECT NAME:** HIGHVIEW ESTATES MAJOR SUBDIVISION  
**PROJECT LOCATION:** TOLEMAN ROAD  
SECTION 56 – BLOCK 1 – LOT 19.15  
**PROJECT NUMBER:** 99-2  
**DATE:** 23 AUGUST 2000  
**DESCRIPTION:** THE APPLICATION PROPOSES THE SUBDIVISION  
OF THE 41.2 +/- ACRE PARCEL INTO THREE (3)  
SINGLE-FAMILY RESIDENTIAL LOTS. THE PLAN  
WAS PREVIOUSLY REVIEWED AT THE  
13 JANUARY 1999, 24 MARCH 1999 AND  
10 MAY 2000 PLANNING BOARD MEETINGS.

1. At the 10 May 2000 Planning Board meeting, the applicant was asked to cleanup the project area of tree stumps, debris and other waste dumped at the site. The Board may wish to discuss the status of this work.
2. The Applicant should update the Board on the status of the NYSDEC Wetlands Permit, NYSDEC SPDES Permit and NYS OPRHP approval.
3. The plan submitted for this meeting does not appear to be updated compared to the previous plan submitted. Previous comments must be addressed on the plans prior to stamp of final approval.
4. With regard to the SEQRA status, the Board previously took Lead Agency and, at the 26 July 2000 Planning Board meeting, the Board adopted a Negative Declaration resolution.

Respectfully Submitted,

  
Mark J. Edsall, P.E., P.P.  
Planning Board Engineer

MJE/st  
NW99-2-23Aug00.doc

RESULTS OF P.B. MEETING OF: August 23, 2000

PROJECT: Highway Estates Sub P.B.# 99-2

**LEAD AGENCY:**

**NEGATIVE DEC:**

1. AUTHORIZE COORD LETTER: Y\_\_ N\_\_

M)\_\_ S)\_\_ VOTE: A\_\_ N\_\_

2. TAKE LEAD AGENCY: Y\_\_ N\_\_

CARRIED: YES\_\_ NO\_\_

M)\_\_ S)\_\_ VOTE: A\_\_ N\_\_

CARRIED: YES\_\_ NO\_\_

WAIVE PUBLIC HEARING: M)\_\_ S)\_\_ VOTE: A\_\_ N\_\_ WAIVED: Y\_\_ N\_\_

SCHEDULE P.H. Y\_\_ N\_\_

SEND TO O.C. PLANNING: Y\_\_

SEND TO DEPT. OF TRANSPORTATION: Y\_\_

REFER TO Z.B.A.: M)\_\_ S)\_\_ VOTE: A\_\_ N\_\_

RETURN TO WORK SHOP: YES\_\_ NO\_\_

**APPROVAL:**

M)\_\_ S)\_\_ VOTE: A\_\_ N\_\_ APPROVED: \_\_\_\_\_

M)\_\_ S)\_\_ VOTE: A\_\_ N\_\_ APPROVED CONDITIONALLY: \_\_\_\_\_

NEED NEW PLANS: Y\_\_ N\_\_

**DISCUSSION/APPROVAL CONDITIONS:**

Send Don Yonash the minutes for Neg Dec.
Need photos of Driveway that needs to be corrected
Need 15" Culvert under driveway in front
Let Mike know when on next agenda

July 26, 2000

1

TOWN OF NEW WINDSOR

PLANNING BOARD

JULY 26, 2000

MEMBERS PRESENT: JAMES PETRO, CHAIRMAN  
JIM BRESNAN  
RON LANDER  
JERRY ARGENIO  
MICHAEL LUCAS

ALSO PRESENT: MARK EDSALL, P.E.  
PLANNING BOARD ENGINEER

MICHAEL BABCOCK (ARRIVING LATE)  
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.  
PLANNING BOARD ATTORNEY

MYRA MASON  
PLANNING BOARD SECRETARY

REGULAR MEETING

MR. PETRO: I'd like to call to order the July 26, 2000 meeting of the New Windsor Planning Board. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

DEC PERMIT NUMBER  
3-3348-00193/00001

FACILITY/PROGRAM NUMBER(s)

FW # MB-27



# **PERMIT** Under the Environmental Conservation Law (ECL)

EFFECTIVE DATE  
January 19, 2001EXPIRATION DATE  
December 31, 2003

## TYPE OF PERMIT (Check All Applicable Boxes)

☒ New    ☐ Renewal    ☐ Modification    ☐ Permit to Construct    ☐ Permit to Operate

☐ Article 15, Title 5:  
Protection of Water

☐ Article 17, Titles 7, 8:  
SPDES

☐ Article 27, Title 9; 6NYCRR 373:  
Hazardous Waste Management

☐ Article 15, Title 15:  
Water Supply

☐ Article 19:  
Air Pollution Control

☐ Article 34:  
Coastal Erosion Management

☐ Article 15, Title 15:  
Water Transport

☐ Article 23, Title 27:  
Mined Land Reclamation

☐ Article 36:  
Floodplain Management

☐ Article 15, Title 15:  
Long Island Wells

☒ Article 24:  
Freshwater Wetlands

☐ Articles 1, 3, 17, 19, 27, 37; 6NYCRR  
380: Radiation Control

☐ Article 15, Title 27:  
Wild, Scenic & Recreational Rivers

☐ Article 25:  
Tidal Wetlands

☐ Other \_\_\_\_\_

☐ 6NYCRR 608:  
Water Quality Certification

☐ Article 27, Title 7; 6NYCRR 360:  
Solid Waste Management

## PERMIT ISSUED TO

Highview Estates of Orange County, Inc.

## TELEPHONE NUMBER

## ADDRESS OF PERMITTEE

P.O. Box 286, Salisbury Mills, NY 12577

## CONTACT PERSON FOR PERMITTED WORK

Daniel P. Yanosh, L.S.

## TELEPHONE NUMBER

(845) 361-4700

## NAME AND ADDRESS OF PROJECT/FACILITY

Highview Estates Subdivision

## LOCATION OF PROJECT/FACILITY

East side of Toleman Road, about 1.5 miles north of the intersection with Bull Road.

## COUNTY

Orange

## TOWN

New Windsor

## WATERCOURSE/WETLAND NO.

FW #MB-27; Class II

## NYTM COORDINATES

E: 571.7 N: 4589.3

## DESCRIPTION OF AUTHORIZED ACTIVITY

The following activities within State-designated Freshwater Wetland No. MB-27 and its 100-foot adjacent area, as shown on the plans referenced in Special Condition Number 1 of this permit:

1. The construction of two residential driveways, 10 feet wide each, of which about 300 linear feet of each will be built within Freshwater Wetland MB-27 and its 100-foot adjacent area;
2. The removal of approximately 10,000 square feet of fill from the 100-foot adjacent area on proposed Lot No. 2 to match the level of surrounding ground elevations, as wetland mitigation for the driveway construction.

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, the General Conditions specified and any Special Conditions included as part of this permit.

## DEPUTY PERMIT ADMINISTRATOR

Alexander F. Ciesluk, Jr.

## ADDRESS

21 South Putt Corners Rd., New Paltz NY 12561

ses

## AUTHORIZED SIGNATURE

## Date

1/19/01

Page 1 of 5



**NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS****Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification**

The permittee expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, agents, and assigns for all claims, suits, actions, damages, and costs of every name and description, arising out of or resulting from the permittee's undertaking of activities or operation and maintenance of the facility or facilities authorized by the permit in compliance or non-compliance with the terms and conditions of the permit.

**Item B: Permittee's Contractors to Comply with Permit**

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

**Item C: Permittee Responsible for Obtaining Other Required Permits**

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

**Item D: No Right to Trespass or Interfere with Riparian Rights**

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

**GENERAL CONDITIONS****General Condition 1: Facility Inspection by the Department**

The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71-0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

**General Condition 2: Relationship of this Permit to Other Department Orders and Determinations**

Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

**General Condition 3: Applications for Permit Renewals or Modifications**

The permittee must submit a separate written application to the Department for renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing.

The permittee must submit a renewal application at least:

- a) 180 days before expiration of permits for State Pollutant Discharge Elimination System (SPDES), Hazardous Waste Management Facilities (HWMF), major Air Pollution Control (APC) and Solid Waste Management Facilities (SWMF); and
- b) 30 days before expiration of all other permit types.

Submission of applications for permit renewal or modification are to be submitted to:

NYSDEC Regional Permit Administrator, Region 3  
21 South Putt Corners Rd., New Paltz, NY 12561, telephone: (914) 256-3054

**General Condition 4: Permit Modifications, Suspensions and Revocations by the Department**

The Department reserves the right to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a) the scope of the permitted activity is exceeded or a violation of any condition of the permit or provisions of the ECL and pertinent regulations is found;
- b) the permit was obtained by misrepresentation or failure to disclose relevant facts;
- c) new material information is discovered; or
- d) environmental conditions, relevant technology, or applicable law or regulation have materially changed since the permit was issued.

**ADDITIONAL GENERAL CONDITIONS FOR ARTICLES 15 (TITLE 5), 24, 25, 34 AND 6NYCRR PART 608 Protection of Water**

1. If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.
2. The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.
3. Granting of this permit does not relieve the applicant of the responsibility of obtaining any other permission, consent or approval from the U.S. Army Corps of Engineers, U.S. Coast Guard, New York State Office of General Services or local government which may be required.
4. All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.
5. Any material dredged in the conduct of the work herein permitted shall be removed evenly, without leaving large refuse piles, ridges across the bed of a waterway or floodplain or deep holes that may have a tendency to cause damage to navigable channels or to the banks of a waterway.
6. There shall be no unreasonable interference with navigation by the work herein authorized.
7. If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.
8. If granted under 6NYCRR Part 608, the NYS Department of Environmental Conservation hereby certifies that the subject project will not contravene effluent limitations or other limitations or standards under Sections 301, 302, 303, 306 and 307 of the Clean Water Act of 1977 (PL 95-217) provided that all of the conditions listed herein are met.
9. All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or his agent as part of the permit application. Such approved plans were prepared by \_\_\_\_\_ on \_\_\_\_\_.

**SPECIAL CONDITIONS**

- ◆ The permittee or a representative shall contact by telephone, the Division of Law Enforcement in New Paltz (914) 256-3013, 48 hours prior to the commencement of any portion of the project authorized herein.
- ◆ The permittee shall require that any contractor, project engineer, or other person responsible for the overall supervision of this project reads, understands and complies with this permit, including all special conditions to prevent environmental degradation.
- ◆ For Article 15, Protection of Waters permits, the permittee or an authorized representative shall notify the Department by mailing the attached form at least 48 hours prior to the commencement of any portion of the project authorized herein.

**Continued on next page**

DEC PERMIT NUMBER  
3-3348-00193/00001

PROGRAM/FACILITY NUMBER

PAGE 3 OF 5

**SPECIAL CONDITIONS****For Article 24 (Freshwater Wetlands)**

1. All work shall be performed in accordance with the following sheets of the plan prepared by Daniel P. Yanosh entitled "Lands of: Highview Estates of Orange County, Inc., Toleman Road, Town of New Windsor, County of Orange, State of New York", dated October 29, 1998, last revised May 25, 2000:
  - a. Sheet 1 of 2 entitled "3-Lot Subdivision"; and
  - b. Sheet 2 of 2 entitled "Details and Septic Notes".
2. For any of the lots in the subdivision containing portions of Freshwater Wetland MB-27 or the 100 foot adjacent area, the deed for each such property shall contain a notice as written below:

"For as long as any portion of the property described in this deed is subject to regulation under Article 24 (the Freshwater Wetlands Act) of the Environmental Conservation Law of the State of New York (ECL), there shall be no construction, grading, filling, excavating, clearing or other regulated activity as defined by Article 24 of the Environmental Conservation Law on this property within the wetland area or 100 foot control areas as shown on the Final Subdivision Plat at any time without having first secured the necessary permission and permit required pursuant to the above noted Article 24. This restriction shall bind the Grantees, their successors and assigns and shall be expressly set forth in all subsequent deeds to this property."

If requested by the Department, the permittee shall submit a copy of the deed of the first sale for an affected lot to the Regional Permit Administrator in the New Paltz office within 30 days of receipt of the request.
3. **EROSION CONTROL:** Prior to commencement of the activities authorized herein, the permittee shall install securely anchored silt fencing and/or continuous staked hay bales along the limits-of-disturbance or as shown on the plans or drawings referenced in this permit. These erosion control devices shall be maintained until all disturbed land is fully vegetated to prevent any silt or sediment from entering the freshwater wetland or its adjacent area. Silt fencing, hay bales and any accumulated silt or sediment shall be completely removed for disposal at an appropriate upland site.
4. The permittee must undertake and complete the mitigation work specified in plans referenced in Special Condition No. 1 of this permit before beginning driveway construction.
5. Within two weeks of the completion of the wetland mitigation project, the permittee shall submit a series of photographs (in duplicate) of the mitigation site before, during and after the completion of work. The photographs shall be accompanied by a key map and written description of the photographs and shall be submitted to the undersigned Deputy Permit Administrator.
6. Excavated materials and/or fill materials shall be stockpiled more than 100 feet landward of the wetland or water body and shall be contained by hay bales or silt fencing to prevent erosion.
7. All areas of soil disturbance resulting from this project shall be seeded with an appropriate perennial grass seed and mulched with hay or straw within one week of final grading. Mulch shall be maintained until a suitable vegetative cover is established.

DEC PERMIT NUMBER

3-3348-00193/00001

FACILITY ID NUMBER

PROGRAM NUMBER

FW #MB-27

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**STATE ENVIRONMENTAL QUALITY REVIEW**

Under the State Environmental Quality Review Act (SEQR), the project associated with this permit is classified as an Unlisted Action with the Town of New Windsor Planning Board designated as the lead agency. It has been determined that the project will not have a significant effect on the environment.

**Distribution:**

R. Jacobson

ACOE NY District

Dr. Yanosh, L.S.

DEC PERMIT NUMBER

3-3348-00193/00001

FACILITY ID NUMBER

PROGRAM NUMBER

FW #MB-27

Page 5 of 5

HIGHVIEW ESTATES SUBDIVISION

MR. EDSALL: One quick item. I received a piece of correspondence from the New York State DEC written to Dan Yanosh, the surveyor for the Highview Estates subdivision, planning board application 99-2. What they are, there's a fresh water wetlands permit that's required for that subdivision and also they are questioning the status of the SEQRA review by the Town Planning Board. I believe we had no real problems with the subdivision and we're sending it over because of the wetlands issue and to my knowledge, there were no other outstanding environmental issues. So I would recommend that you consider based on the information that you have previously reviewed at the several meetings that they have been in granting a negative dec so that the DEC can proceed and you did have by the way a public hearing on this application in March of 1999 and it ran through May of 1999, or I believe May of 1999 but there was a public hearing held, I don't believe there are any other environmental issues raised.

MR. PETRO: Take any action?

MR. EDSALL: Suggesting you make at this point adopt a negative dec so the DEC can hear from us and proceed.

MR. PETRO: What's the full name on this?

MR. EDSALL: It's the Highview Estates subdivision.

MR. PETRO: Motion.

MR. LANDER: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare negative dec for the Highview Estates subdivision.

ROLL CALL

MR. ARGENIO	AYE
MR. BRESNAN	AYE

MR. LUCAS	AYE
MR. LANDER	AYE
MR. PETRO	AYE

MR. PETRO: Motion to adjourn?

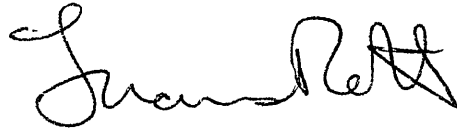
MR. LUCAS: So moved.

MR. LANDER: Second it.

ROLL CALL

MR. ARGENIO	AYE
MR. BRESNAN	AYE
MR. LUCAS	AYE
MR. LANDER	AYE
MR. PETRO	AYE

Respectfully Submitted By:

A handwritten signature in cursive script, appearing to read 'Frances Roth', with a large, stylized initial 'F' and 'R'.

Frances Roth  
Stenographer

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 08/23/2000

PAGE: 1

LISTING OF PLANNING BOARD AGENCY APPROVALS

FOR PROJECT NUMBER: 99-2

NAME: HIGHVIEW ESTATES SUBDIVISION  
APPLICANT: HIGHVIEW ESTATES OF ORANGE COUNTY

	DATE-SENT	AGENCY-----	DATE-RECD	RESPONSE-----
REV1	08/14/2000	MUNICIPAL HIGHWAY	8/22/00	Disapproved
REV1	08/14/2000	MUNICIPAL WATER	/ /	
REV1	08/14/2000	MUNICIPAL SEWER	/ /	
REV1	08/14/2000	MUNICIPAL FIRE	08/18/2000	APPROVED
REV1	08/14/2000	NYS DOT	/ /	
ORIG	01/11/1999	MUNICIPAL HIGHWAY	01/11/1999	APPROVED
ORIG	01/11/1999	MUNICIPAL WATER	01/11/1999	APPROVED
ORIG	01/11/1999	MUNICIPAL SEWER	01/20/1999	APPROVED
ORIG	01/11/1999	MUNICIPAL FIRE	01/12/1999	APPROVED

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 08/23/2000

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE:

STATUS [Open, Withd]  
O [Disap, Appr]

FOR PROJECT NUMBER: 99-2

NAME: HIGHVIEW ESTATES SUBDIVISION

APPLICANT: HIGHVIEW ESTATES OF ORANGE COUNTY

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
07/26/2000	DISCUSSION AT END OF MEETING	DECL NEG DEC
05/10/2000	CONTINUED PUBLIC HEARING	CLOSED PH - RETURN
	. FIRE INSPECTOR TO INSPECT PROPERTY FOR DUMPING - CHECK FOR	
	. CURTAIN DRAINS - RETURN	
03/24/2000	PUBLIC HEARING	TO BE CONTINUED
01/13/1999	P.B. APPEARANCE	LA:SCH PH
01/06/1999	WORK SHOP APPEARANCE	SUBMIT



PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 08/23/2000

PAGE: 1

LISTING OF PLANNING BOARD SEQRA ACTIONS

FOR PROJECT NUMBER: 99-2

NAME: HIGHVIEW ESTATES SUBDIVISION

APPLICANT: HIGHVIEW ESTATES OF ORANGE COUNTY

	DATE-SENT	ACTION-----	DATE-RECD	RESPONSE-----
ORIG	01/11/1999	EAF SUBMITTED	01/11/1999	WITH APPLICATION
ORIG	01/11/1999	CIRCULATE TO INVOLVED AGENCIES	01/13/1999	COORD. LA LETTER
ORIG	01/11/1999	LEAD AGENCY DECLARED	/ /	
ORIG	01/11/1999	DECLARATION (POS/NEG)	07/26/2000	DECL NEG DEC
ORIG	01/11/1999	SCHEDULE PUBLIC HEARING	01/13/1999	SCHED. PUB HEAR
ORIG	01/11/1999	PUBLIC HEARING HELD . PUBLIC HEARING TO BE CONTINUED	03/24/1999	HELD PH
ORIG	01/11/1999	WAIVE PUBLIC HEARING	/ /	
ORIG	01/11/1999	AGRICULTURAL NOTICES	/ /	
REV1	05/10/2000	PUBLIC HEARING CONTINUED	05/10/2000	CLOSED PH

New York State Department of Environmental Conservation  
Region 3, Division of Environmental Permits  
21 South Putt Corners Road, New Paltz, NY 12561-1696  
(845) 256-3000 FAX (845) 255-3042  
Website: www.dec.state.ny.us



July 17, 2000

Daniel P. Yanosh  
P.O. Box 320  
Circleville, NY 10919

RE: Application for Freshwater Wetlands Permit  
Highview Estates Subdivision  
Town of New Windsor, Orange County  
DEC Application #3-3348-00193/00001

Dear Mr. Yanosh:

The New York State Department of Environmental Conservation (DEC ) has reviewed the information provided with your letter dated June 6, 2000 regarding the above-referenced permit application. Specifically, you submitted a new site plan, last revised May 25, 2000, that incorporates DEC's earlier recommendation to provide compensatory wetland mitigation by removal of fill on proposed Lot Number 2.

Freshwater Wetlands

DEC staff have determined that the proposed locations and spacing of the driveways would result in the fewest impacts to the regulated wetland and 100-foot adjacent area, and that wetland impacts will be minimized to the maximum extent practicable. In addition, the removal of approximately 13,000 square feet of fill from DEC Freshwater Wetland MB-27 and its 100-foot adjacent area on proposed Lot Number 2 will adequately address our recommendation to provide compensatory mitigation for wetland losses resulting from driveway construction.

State Environmental Quality Review Act

For the review of the permit application to proceed, the DEC will require documentation from the Town of New Windsor Planning Board that they have either issued a Negative Declaration, or accepted a Draft Environmental Impact Statement (in the case of a Positive Declaration), pursuant to the requirements of the State Environmental Quality Review Act (SEQR). By copy of this letter, we are notifying the Town of New Windsor Planning Board of our comments related to freshwater wetlands and our need to obtain documents related to their review of the project under SEQR.

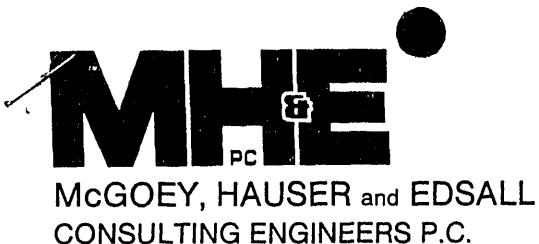
If you have any questions, please call me at (845) 256-3050.

Sincerely,

Scott E. Sheeley  
Environmental Analyst

cc: L. Kolts, DEC Region 3  
Town of New Windsor Planning Board  
Highview Estates of Orange County, Inc.

cc: M.E.



RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.  
JAMES M. FARR, P.E.

- ☐ **Main Office**  
45 Quassaick Ave. (Route 9W)  
New Windsor, New York 12553  
(914) 562-8640
- ☐ **Branch Office**  
507 Broad Street  
Milford, Pennsylvania 18337  
(570) 296-2765

28 April 1999

### MEMORANDUM

TO: Chairman James Petro and Planning Board Members

FROM: Mark J. Edsall, P.E., Planning Board Engineer

SUBJECT: HIGH VIEW ESTATES SUBDIVISION  
FIELD REVIEW 27 APRIL 1999  
MHE JOB NO. 99-02

On the afternoon of 26 August 1999 the undersigned and Building Inspector Mike Babcock met with representatives Ed Biagini and Dan Yanosh of the subject project at the site located on Toleman Road. The purpose of our visit was to evaluate the various comments received from the public on 24 March 1999. Prior to attending this field review, the undersigned contacted the parties from the Public Hearing (as a courtesy) by telephone, in many cases leaving recorded messages advising of the field review.


Once we met at the site, it became abundantly clear that all of the concerns raised by the property owners involved the conditions on the west side of Toleman Road. On this side, the High View Estates project already has an approved building location, and this application does not propose and further development on the west side of the roadway. All development proposed as part of this subdivision is on the east (opposite) side of the roadway from the concerned residents. As a result of this conclusion, it was agreed by all parties present that these concerns, although they may be valid, are not pertinent to the two lots proposed for this subdivision. It is absolutely necessary that the Applicant understand (and they were advised) that these concerns must be addressed at the time any further subdivision is proposed for the parcel on the west side of Toleman Road.

28 April 1999

If you have any questions regarding the above, please do not hesitate to contact the undersigned or Mike Babcock.

Very truly yours,

**McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS, P.C.**

  
Mark J. Edsall, P.E.  
Planning Board Engineer

MJesh

cc: Mike Babcock, Building Inspector

a:highview.sh

M AUREEN HAAS 496-9506  
249 Tolman

HELEN MCARDLAND 496-5080  
255 Tolman

Mr & Mrs. Irizarry 496-3412  
237 Tolman Road

Brian Flint 497-3987  
231 Tolman Rd

THOMAS COLESANTI  
3 CESSNA DR. 496-6428

PUBLIC HEARING:

HIGHVIEW ESTATES OF O.C. PUBLIC HEARING - CONTINUATION  
(99-2)

Mr. Daniel Yanosh appeared before the board for this proposal.

MR. PETRO: Public hearing for Highview Estates. This is a continuation of a public hearing that we had some time ago represented by Mr. Yanosh for a three lot subdivision. This project involves subdivision of a 41.2 acre parcel into three single family residential lots. Plan was previously reviewed at the 13 January, 1999, 24 March, 1999 planning board meetings. This is a continuation of the public hearing left open on the March 9, 1999 meeting. The reason we did that was to resolve some of the problems and for the engineer of the planning board to go to the site and do a physical inspection of some water problems that we had on the site which Mr. Edsall I believe you did do, correct?

MR. EDSALL: Yes.

MR. PETRO: That is public hearing. The board will review it first, at such time during the process, I will open it up to the public for input. Mr. Yanosh, do you want to start, please?

MR. YANOSH: Like the application says, three lot subdivision, lot number one is on the westerly side of Toleman Road, proposed house from the previous approved subdivision, we're not doing anything with that property right now, existing house is not built yet, but we're only concerning ourselves with the easterly side of Toleman Road, two lots, lot number 2 is 10.904 acres and lot number 3, that's 9.04 acres. We met out there with the engineer everything, resolved all the questions on the other side pertaining to the east side of the highway. We did a joint inspection with the town engineer on the soils, everything came out favorably. The only outstanding issues, one was the net area that I can take care of with no problem and New York State DEC wetlands permits trying to get ahold of Lance Colt, everything is fine with respect to the

archeological study that we had to do, all the applications were submitted. All we have to do is since we're crossing the wetlands and disturbing it, we have to do some mitigation. He wants us to remove some fill from the front and once I get ahold of him, we can iron out those details and going to give us the permit to cross the wetlands.

MR. PETRO: He just want to read number 3 into the minutes. Are there people here for this? Okay. As the board may recall, there was a significant input from the nearby property owners during the original planning board public hearing on 24 March, '99. This is from the engineer's comments. Those neighbors present raised considerable concern with regard to drainage and the sanitary septic system operation. A field meeting was held on 26 April, 1999 with representatives of the developer and neighbors. It was determined at this field meeting that the concerns of the nearby property owners involved west side of Toleman Road where no additional development is proposed as part of this subdivision. I advised the residents they should focus their attention on any further subdivision of the area as depicted as lot 1 on this subdivision plan should same ever be proposed in the future. Mark, just put that into layman's terms what you're saying there.

MR. EDSALL: The neighbors that had raised concerns at the opening of the public hearing all live on the west side of Toleman Road. And there are several lots shown on the subdivision at the rear of those lots, you can see proposed lot number one and it shows actual proposed house as per a field map that's already an approved location for a single house. So I acknowledge that they've got concerns about drainage and some individual concerns about their own sanitary systems that's relative to the construction of their houses and maybe they have complaints with the builder, but the application you're reviewing and the proposals before you as part of this application all involve new lots on the east side of Toleman Road. And although it may be pertinent that if they come back to further subdivide on the west side that we take every effort possible to help them out at this point, the only thing you've got

before you is development on the opposite side of the road. So it's difficult to deal with their concerns when it's the other side of the road, although we have to keep it in mind and I'm sure that these people will all be back to help us if there's anything proposed on the west side of the road with further development of lot 1 and that's a 21 acre lot so I'm sure that we'll see them again in the future.

MR. PETRO: Mr. Lander has a good idea, what we'll do is let's open it up to the public at this time. On 4/24/2000, 40 addressed envelopes went out sworn to me this 24 day of April, 2000, Deborah Green, notary public. So, if someone would like to speak on behalf of this application, please be recognized by the Chair, come forward with your name and address and address the board.

MRS. IRIZARRY: My name is Annette Irizarry, 237 Toleman Road. Our concern is originally when we came to the first public hearing, Mr. Yanosh here had opened up the idea that they were going to subdivide our side of the road further. We had objections to that because we're missing septic, we're missing curtain drains through all the septic systems, we have a common denominator and that's Ed Biagini, who's our builder and none of us have curtain drains through the septic systems. Although we don't oppose the building of this new lot here in the front area, we do have some concerns about the eyesores that we actually see every, day, we have piles of wood that generate a great deal of insects. And now with the concern about West Nile Fever and the rest that stuff, we'd like that area cleaned up and taken away and disposed of properly. We also still have a concern about drainage because our property, as you may see, is on a slope. Eventually, our problems, because we do have septic problems may and I'm not sure cause I'm not an engineer affect these new homes with drainage, I mean, we may end up with puddles in the street in our drain areas in the street with septic. Now that we have two other homes going to be present, that will also be releasing their own drainage in a DEC wetlands area. So drainage is still an issue to us. It's our foremost issue and we'd like to make sure that whatever way that Mr. Biagini builds



this home that the drainage is done according to the proper coding that's required in the industry. So that's our major concern at this point.

MR. PETRO: Thank you.

MRS. IRIZARRY: And the other thing is there are, between my property and my neighbor's property, the Haas', we I believe that's where Biagini can enter and he's proposing a road once he decides to build behind us, he's dumping plenty of trees and stumps there, there's a lot of rubbish and debris as far as trees, actual stumps just left there, it's not cleaned up, it's an eyesore and we'd like that taken care of as well.

MR. PETRO: People that complained about this last time, why can't we get that cleared up?

MR. YANOSH: What was that, trees, wood piles, you're concerned about was across the street?

MRS. IRIZARRY: Across the street and bordered my property.

MR. IRIZARRY: What happens in between us it just seems like whenever he needs to put anything, he puts it there or in the front, seems like when I approach anybody, it seems like I approach, they say I'm a friend of Ed Biagini and I just, it's just an eyesore, it's a health problem because I've cleaned it up a lot basically on my own because there was a mouse problem, when you have logs and stumps, it's a haven for mice. We have kids, mice bring diseases and we have cleaned it up at our own expense. We're not even bringing that into court, that's not an issue at this point, we just don't want, we've cleaned it up, we don't want more debris, dirt, if you can clean up what's there, if he wants to build across the road, it will be even better because they won't dump there anymore. But the drainage that's going to come down from our property and their property might create another hazard. As long as he does it the proper way, we have no qualms with it.

MR. LANDER: They are dumping in the empty lot?

MRS. IRIZARRY: We have people that come by in a pickup and dumping pieces of wood, their rubbish or their wood and it can be plastic, it can be at one point they tried to dump a refrigerator there.

MR. LANDER: We're going to have to put something across so people don't use that as a dumping ground.

MR. EDSALL: The dumping that's going on is not Mr. Biagini clearing his property, doing work on his property to prepare for development, you're saying that third parties, not Mr. Biagini or people working for him on the project are dumping materials from off-site onto the property?

MR. IRIZARRY: Yes.

MR. EDSALL: You're saying other people that he may give permission to?

MR. IRIZARRY: There's a reference made to his name, I'm not one, it's his property, I'm not one to question, but when I see a refrigerator or something else coming out and people coming there, you even have hunters that come down there, they are not even 500 feet from the house with 30-06's. We came out here because he said it's okay. It's always an issue with that side because it's land that's neglected and I spent half the time cleaning up garbage that's on there because it's an eyesore for me, I live there and I've got to protect my investment.

MR. EDSALL: Only he has the right if he's clearing to do perc tests to prepare for development, trees and such on the property, but when he begins to give other people permission to bring waste from other areas to dump here, it's a whole different ball game. I want to get that on the record so if we do have to have enforcement action.

MR. YANOSH: Mark, I think we were out there at the site, Ed was out there with us that day.

MR. EDSALL: I believe he did come out.

MR. YANOSH: Across the street it is true that there's an area that's filled in, when he was building houses across the street, he would bring the stumps, the wood for the guys to take away for firewood. There was a spot there and he also complained to me, too, I got people coming just going by, I think there was a refrigerator out there one time. He's not going to want to sell these two lots also to somebody with the same situation.

MR. PETRO: I'll tell you how we're going to resolve this to start with, I had asked at that last meeting in I think it was March or May last time we had the public hearing that Mr. Biagini accompany you tonight so he can answer some of the questions in person at the next half of the public hearing. Obviously, he's not here.

MR. YANOSH: He had other things to do.

MR. PETRO: Being he had other things to do, we'll go as far as we can tonight, but I want the fire inspector to go out and inspect the lane. Mike, the fire inspector or yourself or your department, but I think the fire inspector would be a good one to, looking at the refrigerator and what's being dumped on the property.

MR. LANDER: Even though it might be third parties dumping there, it's still his responsibility so I'm sure he's aware of that but--

MR. YANOSH: I have no problem with that.

MR. PETRO: Once you get the fire inspector on it, believe me, he will be taking care of things. So let's go on to different subjects other than that. Does anyone else want to speak on a different subject?

MR. COLESANTI: Thomas Colesanti, C-O-L-E-S-A-N-T-I, 3 Cesna Drive.

MR. LANDER: Where is your property in relation to this?

MR. COLESANTI: I'm on the west side on Cesna Drive is a cul-de-sac off Toleman Road on the west side. My question is there, are wetlands there, and you plan on corrosion, the wetlands, I take it, and building the houses further east of the wetlands and you've done perc tests, I take it?

MR. YANOSH: Yes.

MR. COLESANTI: What kind of perc test did you get?

MR. YANOSH: We were out there with the town engineer, 8 minute perc on lot number 2 and also 10 minute perc, a 30 minute perc and a 16 minute perc on one of the other lots.

MR. LANDER: What was the date on those?

MR. YANOSH: February 19, four inspections with the town, I don't have listed here.

MR. EDSALL: Date I have here, Ron, was representative of our office it was in July 8.

MR. PETRO: '94?

MR. EDSALL: No, '99.

MR. ARGENIO: If I can refresh everybody's memory, I see the quizzical look on your face, and I had the same quizzical look last time because I'm familiar with the soils in this area and what came out of that was Mark was going to have a representative from his office on behalf of the Town go out there and doublecheck the percs to make sure that everything was on the up and up and he obviously did do that.

MR. COLESANTI: He did do that, so you're saying these are the actual perc tests?

MR. EDSALL: The tests were performed by Mr. Yanosh's office.

MR. COLESANTI: I have a little problem accepting that

because as you have heard people say, everybody has to have a curtain drain around the septic system, there's so much water in the soil there, I don't care whether you're on the other side, doesn't matter, same soil, same area, it was formed during the ice age, it's there and it's the same and I don't see a perc test come out like three minutes, forget about it, but if it leeches down and you put it where the wetlands are, you make a pond, suppose it leeches into that pond, what are you going to do about mosquitoes then, I mean, we have to think about these things before we start uphill, building uphill above wetlands, gravity does bring things down.

MR. LANDER: Mr. Biagini also has to go and he has to secure the permits to cross the wetlands, so it's not something that's done overnight, they don't give them out that easy.

MR. PETRO: There's three permits, if you take a look at note number four that his outstanding approval for permits were required in connection with this application, the New York State DEC Freshwater Wetlands, New York State SPDES Permit and New York State OPRHP approval, what's that, Mark?

MR. EDSALL: There's some approvals, obviously, the first two are pretty straightforward with the wetlands permit for crossing, second one is the SPDES permit only if they're going to disturb more than five acres, I didn't think they were going to.

MR. YANOSH: We're under five acres.

MR. EDSALL: So, the one approval that they were referred over to the Office of Parks, Recreation and Historic Preservation, it's a normal referral, I don't know if you've heard back.

MR. YANOSH: Yes, that's one of the things we were waiting for, that was done and completed and we don't fall under their jurisdiction. The report was done, gosh, quite a while ago, I can't remember what day, I can give you all the stuff, the report from the firm that did it and DEC has accepted that report and this

is our last step, the letter I had from the DEC, I was going to bring tonight, but it said everything was completed up to their historical society, it was okay, didn't find any artifacts on the site, waiting for final approval now for either a pond or removal some material just satisfying the DEC's requirements for mitigation.

MR. PETRO: When you say they are not disturbing more than five acres, you mean actual disturbance, it's 20 something acres?

MR. EDSALL: Right, actual disturbance, road, house clearing.

MR. ARGENIO: Mr. Yanosh is the buffer 200 feet or--

MR. YANOSH: One hundred foot buffer for DEC.

MR. ARGENIO: They don't require 200?

MR. YANOSH: One hundred, you can see where the DEC wetlands are, you can see the 100 foot buffer, closest septic system is on lot number 2, that has to be 150 feet away from that buffer zone. So we're a good 250 feet away from the buffer zone from the DEC wetlands and again, any drainage again goes towards that stream that goes through there on the wetlands. It will not affect anybody on this hill. The road that comes in off Tolman is going to go down to that stream, any drainage on this new driveways are not going to affect anybody across the street, everything drains away from the road.

MR. PETRO: Seepage from the system, obviously, it slopes down towards the pond area and what if it seeps out through the ground level, the sewage, if it comes out of the system?

MR. YANOSH: Well, we have, again, DEC requires a hundred foot buffer for any development and we're I would estimate at least 150 feet, no water, what happens, number 2, the perc tests came out 10, 15 minute percs, the Town witnessed the tests, deep test pits were also done, soil back here is nice, a nice

piece of property back in there.

MR. PETRO: Tests are '99, I'd be a little more concerned if the tests were '94, that's pretty ridiculous but okay.

MR. YANOSH: We did percs again with the Town Engineer.

MR. PETRO: Do you have any other comments.

MR. COLESANTI: No, I just want to thank the panel for inviting us here and hearing our concerns.

MR. PETRO: It's not over yet because we're going to have fire inspector go out, the public hearing will close tonight but we're probably going to have another meeting.

MR. COLESANTI: As far as the fire inspector going out, it might be the health department too because there's a toilet there, somebody dropped a toilet off.

MR. ARGENIO: Somebody use the toilet?

MR. COLESANTI: No, no but it's Biagini's property, if somebody's dumping there, he should stop 'em.

MR. EDSALL: You're right.

MR. PETRO: We're going to look into it.

MR. LANDER: He's responsible.

MR. COLESANTI: I want to thank you.

MR. LANDER: Mr. Yanosh, I see we've got an 18 inch pipe for underneath the road, which way is the water running?

MR. YANOSH: Goes down to our property, everything's coming across the road.

MR. LANDER: Okay.

MR. PETRO: Are you going to pipe it from there?

MR. YANOSH: It's existing now that pipe that's there is existing, takes care of the Town drainage.

MR. PETRO: Are you going to pipe it further?

MR. YANOSH: No.

MS. HAAS: Maureen Haas, 249 Toleman Road. My question is my septic goes right onto Toleman Road, the way my property slopes, the drainage underneath the road of Toleman Road, won't that affect the DEC wetlands with the seepage?

MR. LANDER: Yes, if your system's not working properly.

MR. COLESANTI: I think she means her curtain drains.

MS. HAAS: We don't have curtain drains.

MR. PETRO: Do you see sewage now coming up, you see sewage coming up?

MS. HAAS: I wouldn't call it sewage but it's muck at the bottom of the slope at the end of my, and you can smell it, too.

MRS. IRIZARRY: We have just recently had Spagnoli Excavating come in to remove some stumps on our property and also some on Mr. Biagini's property. The reason why we had that done was because that's the area of our property where the water collects from our septic system. Now we're ending up having to backfill the property at this point and in order to alleviate some of that water because of right now, we don't have the moneys in order to put in a whole curtain drain in, we don't believe that it's our responsibility at this point. Our other concern, I disagree with you, Mr. Yanosh, that area right there that you're building on does affect us, that's our community, we pay taxes there, we own property there, if Mr. Biagini chooses to build homes as he's built ours, our property value plummets. I didn't move to Orange County and buy a home to end up in this situation. What I asked for of



Mr. Biagini is that he give us what he said he gave us, whatever papers he filed here with this Town indicating that we had certain information, certain items in our homes, specifics, our curtain drains, if there was an engineer who signed off on it, if there was a surveyor who signed off and said that it was there, all we want is to know why isn't it there, why hasn't it been put in, its paid for, he's received his moneys, it should be there. This is not a situation of buyer beware, we're not professional engineers, we don't, we're not contractors, we're everyday ordinary people working in order to have a place that's called home, that's working, you know, properly. That's all we're asking for. We're not asking for Mr. Biagini to jump through any hoops for us, we're asking for what he told us was there. The other thing that I'd like to mention to the board is that at our last meeting, we specifically asked that Mr. Yanosh have nothing to do with this new survey specifically because our survey indicates that our septic tank is in one area of our property, when it actually isn't, so we therefore ask that he not be the person submitting the surveys because since he submitted incorrect surveys to begin with and signed his name and license number, how are we to know and believe that all these things are actually correct. Is there any way that the board can send someone from the Town to come in, actually give us a honest survey? I don't mean to disrespect you.

MR. PETRO: Mark, why don't you respond to that.

MR. EDSALL: I don't know that the Town's in a position to do the work for the applicant. If the applicant hires a professional and they're licensed, we can't disregard their license. The only one that can make their license invalid is the State of New York. I don't think that we can do, prepare application information.

MRS. IRIZARRY: Well, does it take actually, what you're telling me it takes me to write to the State in order to have this gentleman's license taken away for his fraudulent writings?

MR. EDSALL: I don't know the details, I don't know

what the inconsistencies are.

MR. PETRO: Well, the curtain drains, I'm looking at the site plan, were they on the original site plan for their development? Because I don't see anything on the plan for curtain drains. We had asked at the last meeting that you give us details about the curtain drains.

MR. YANOSH: On--I don't remember.

MR. PETRO: Whether you or Mark, how do we know about the curtain drains?

MR. EDSALL: I don't have the plan for the original subdivision in front of me, but if in fact the original plans called for a curtain drain and they didn't get it, that would be an issue that would be an enforcement issue for the previous subdivision, has nothing to do with this one. Again, it's not that we're trying to ignore the problems, you have to approach the problem in the right forum.

MRS. IRIZARRY: I understand.

MR. EDSALL: This application has nothing to do with what happened on your lots. The only way it would if something proposed on this application would affect you.

MR. PETRO: What we can suggest is put it back on to you or Mark or somebody can pull out the original plan, subdivision plan for your house, your subdivision, look at that and if it shows curtain drains and how they're going to be installed, that's one of the reasons why I wanted him here tonight so he could have refreshed us on this if it's on the plan and hasn't been done, then the building department can get involved, issue a violation or Mark, we can get a site plan violation, some way we can get involved but right now, I don't see anything. And on top of that, it has nothing to do with this application, even though you have your, we're listening to what you're saying, this man owns property across the street, it's a separate lot, we have to review it that way. We can't go back, then we can go

to where he lives, we can start looking at my house because it all goes around.

MR. LANDER: I think they just don't want to see the same thing happen.

MRS. IRIZARRY: What prevents this from happening again?

MR. IRIZARRY: It cost me \$1,100 to have Spagnoli remove debris that was mostly on his property, not so much on mine, that was left there, \$1,100 and I'm not even passing the cost on, I just want everybody to know what's going on there and, I mean, my house, I have to take pride in it, but how can I clean up my house when right next to me I have all this debris, \$1,100 is a lot of money to a small guy like me.

MR. PETRO: We're not ignoring the problems, we asked Mr. Biagini to be here, he's not here, therefore, I'm one member, there's not going to be any approval tonight, all right, until I see him and we're going to have somebody out there to look at that more than that the curtain drains, look on the plan that you have, we can look at it, we have copies here and follow it through if it's on the plan, hasn't been built, we'll see what we can do. But I can't let it affect this particular application.

MS. HAAS: I just want to make sure I understood this right, Mark, you said that you verified the perc test?

MR. EDSALL: I didn't, somebody from my office went out as Mr. Yanosh was having the perc tests performed and they witnessed as they go out and witness partial runs to make sure that the time for the percolation run to take place matches with the records that Dan is putting in.

MS. HAAS: Somebody was with him, he used his equipment, but you didn't have an independent person come out?

MR. EDSALL: Depends what you call independent, we have no reason to do Mr. Biagini any favors. We've failed

many percs tests, not by Mr. Biagini, but other people, I consider us independent.

MS. HAAS: So lot 1 is not, you're not going to be building on that any time soon?

MR. YANOSH: Correct.

MS. HAAS: How about the property he already started to excavate some of the property between the two properties, started to put in a road and a cul-de-sac, there was a jeep out not that long ago tying little pink ribbons onto some of the trees, he said he worked for Mr. Biagini.

MR. LANDER: On lot 1?

MS. HAAS: On lot 1.

MR. IRIZARRY: It's staked out.

MS. HAAS: My question to you is--

MR. PETRO: He's got a long way to go, there's not going to be any building.

MS. HAAS: What about all the junk?

MR. PETRO: That's why we're going--

MR. EDSALL: He can build one house on that, that was already approved, that was approved at the same time your lots were approved, but that's all he can do.

MR. IRIZARRY: He has 20 acres and he has to build a house right on top of somebody else? I understand it but I mean just the psychology.

MR. PETRO: Probably because he wants to subdivide the balance of it at some point.

MR. LANDER: He has to show a house, an area where the house can be built so that he can, this can be a legal lot. He has to show house, septic, well, that's the only reason it's there.

MS. HAAS: What you're saying where it says lot 1 that house is not being built or are you telling me--

MR. PETRO: It can be built.

MS. HAAS: What about the septic system draining into--

MR. PETRO: Everything that you see there.

MS. HAAS: --into the well because the well is right there, what could we do?

MR. LANDER: We don't have topo so we really can't tell.

MR. BABCOCK: He already has that approval.

MR. PETRO: It must have a legal separation or it wouldn't have been approved.

MR. EDSALL: Assuming it's downgrade it's probably 200 feet.

MS. HAAS: But that's our question, if he's going to build a house on lot 1, what about the drainage, house is still going to be higher, you're going to have the septic going into the other person's back yard, which is where all our wells are, our septs are in the front, the wells are in the back.

MR. YANOSH: When we did this plan originally, if you look at the original plans, top of the hill right up here from here it drops off again to the back, that's why this septic system is placed here. Any drainage over that septic system would go away from the wells on these lots here. The well is on this lot here is uphill from this septic and also this septic system is downhill from the wells on wherever it used to be, that was all approved by this board back in '92, '94, whatever it was, that was all the offsets and everything on record, the plans that the Town has on file.

MR. PETRO: Does Mr. Biagini have plans to build the

house?

MR. YANOSH: Not that I know because it's on 21 acres.

MR. PETRO: Just plotted for subdivision purposes.

MR. YANOSH: When you do realty subdivisions, the Town doesn't want you to leave a lot vacant, so we have to propose a house for that piece of property.

MR. PETRO: Looks like it's in an odd spot, even though legally it meets the description to build there, I wouldn't be worried about that. If I owned that property, doesn't make sense to put a house right there in that position. I would do a better subdivision than that so--

MR. IRIZARRY: A lot of things that this gentleman does doesn't make sense.

MRS. IRIZARRY: Can we get back to the issue of the surveyor here, you know, I don't understand how it becomes my responsibility if I can show you proof in black and white and you can come to my home and see that what this man has done is incorrect, why you would not not order, per se, but order Mr. Biagini to use yet a different surveyor or surveyor that you recommend, the Town recommends, why should it become another burden on top of us?

MR. PETRO: Andy, can you answer that?

MR. KRIEGER: The Town nor any division of the Town cannot legally order anybody to use or not use or hire or not hire any other person, otherwise, the government would be in a position of telling people how to run their private business and that cannot be done.

MRS. IRIZARRY: We're speaking, let's take out the legalese a little, we're speaking of a gentleman who has a history with us that we're here showing proof here standing and objecting and we're showing you proof, we're not asking you just to blanketly (sic.) make a decision and direct that this gentleman do something, we're asking as the planning board to take

action and stand up to this gentleman and say these are the steps you must meet, we all live in Orange County, I'm sure all of you are--

MR. KRIEGER: What you're asking the planning board to do it does not have the legal right to do.

MRS. IRIZARRY: What forum do I go to to make the planning board or anyone else do it? At this point, I just want to know that it's going to be done and it's going to be done correctly.

MR. PETRO: Okay, I don't want to belabor this too long, this is a long meeting, let me answer you a little bit. First of all, Mr. Yanosh has prepared a plan, it's reviewed not only by this board but by our engineer, who's a fine engineer, fine firm, he goes over everything, it's not just Mr. Yanosh or his firm plotting down some numbers.

MR. IRIZARRY: This engineer here inspects the property and goes over the plan or does he just review what's on the paper, does he actually physically go out and inspect what is on this plan? That's what I'm asking here, I want someone to--

MR. EDSALL: We don't go out and resurvey the property and compare our survey to his, no, but as far as the perc testing goes, as the board directs for not all applications but many, we send a representative out to witness perc tests, if there are drainage problems, same as I came out for the meeting and I made an observation of the way the contour is, the way the drainage runs, I'll recommend to the board how to handle certain issues. But in answer to your question, we don't redo what Mr. Yanosh does. That would be just--

MRS. IRIZARRY: I'm not asking you redo, verify and sign off that you agree this is an accurate depiction of what's there.

MR. LANDER: Let me just interject something, Mr. Yanosh, why would her plan state that the septic is supposed to be on one side of the house and winds up

being on the other side? Is there as-builts done after the houses are built?

MR. YANOSH: I don't think there was an as-built done. Let me say something, I have been beat here like crazy for I think no reason at all. I think it's been most since we had this first public hearing and I think I talked to the people afterwards, if you have questions, you have to see Mr. Biagini about your problem.

MRS. IRIZARRY: Mr. Biagini doesn't want to speak to us.

MR. YANOSH: If I represented him on these things here people here tonight have never contacted me to say look over this, what's the problem with this, where is this coming from, where is this going, nobody's ever called my office to say anything to me about there's a problem with the location. I mean, again, has nothing to do with this application tonight so we didn't want to discuss that. He wanted to called me, call me say look this over, see what we can do about this. Again, I work for Mr. Biagini, he pays me for what I do for him, I can't overstep my bounds and do stuff that he's not going to pay me for. I don't know the exact situation, but again, if there was ever a problem, I think you board members know me, Mark knows me well enough, if there's a problem, something that I've done, I'll take care of it.

MR. PETRO: He may not be aware of also--

MRS. IRIZARRY: I'd like to take your business card so I may contact you and discuss these items.

MR. PETRO: Let me get going here, hold on one minute, because I have to explain to you because it's dragging on and I want you to understand something, this application tonight is for a three lot subdivision on the east side of Toleman Road.

MRS. IRIZARRY: I'm well aware of the, what the planning board meeting is.

MR. PETRO: Normally, we would not entertain your



questioning because it has nothing to do with what we're doing tonight, as far as this application. Now, in reality, you're probably right, we should and that's why we're listening to what you're saying, this man wanted to talk about a few things, but we have two things to do here, we have to take care of you as the public who live in the Town of New Windsor, pay taxes and have concerns. We also have an equal purpose to keep this man, an applicant has every right to come here and build, so we're trying to accommodate both of you, make this work and that's the reason why we're fielding your questions about a subdivision that's been approved years ago, has nothing to do with what he's doing tonight in reality.

MRS. IRIZARRY: I'm not concerned about the subdivision, I'm concerned about her home, my home, his home, we're concerned about drainage, we're concerned about the environment, we're concerned about pollution, that's what we're concerned about.

MR. PETRO: You have to keep it going pertaining to this application.

MRS. IRIZARRY: This is an application, we have a drainage problem, the environment is being polluted by our septic, it's being polluted, our environment is an eyesore because we have trees and stumps thrown there, these are issues, these are issues that apply to that subdivision as well as our subdivision, we wouldn't be here, I'm buy, you're busy, he's busy, I'm not here to beat you up, sir, I'm here to protect any interests as a tax payer in this community. That's all I'm here for.

MR. IRIZARRY: As far as getting ahold of Mr. Biagini, he lives in a fort, you can't get ahold of him. He's always hiding from everybody. I've never met the man. I have no hostilities towards him. I'd like to approach the guy in a professional tone and say listen, what's going on here. But on another note, he electrocuted her son with a drunk contractor, with an electrician, her son almost was critical and not once in the two weeks that he was in the hospital did he ever call once to say how is he doing, this is the type

of person we're dealing with, he says talk to Ed.

MRS. IRIZARRY: Using drunk subcontractors, that's major.

MR. ARGENIO: This whole electrocution thing we went over at the last meeting, I remember the whole thing.

MRS. IRIZARRY: If that's the only place that I'm trying to seek justice because you're entertaining the issue.

MR. LANDER: We hear your concerns, we're going to make sure Mr. Biagini does cross his T's and dot all his I's and if there's anything we can do to point you in the right direction on your existing problems, take care of it, somebody will be out out to take a look at the debris that's out there and he will clean it up, chain it off, every time the chain comes down, he's got to put it back up again. I wouldn't want a dumping grounds, I'm not saying Mr. Biagini does it, but--

MR. IRIZARRY: You're the only people we can go to at this point for immediate, you know, action.

MRS. IRIZARRY: He doesn't want anything to do with anything, he wants to build homes. You're the only hope we have.

MR. PETRO: I think the septic, if you see septic coming out, I'd call the health department.

MRS. IRIZARRY: The health department is of no use, then they fine the private homeowner and make it my responsibility to put in a septic. We're caught in a catch 22, do I want to sue him and put a judgment on him, that does me no good. All I want is a curtain drain, that's all I want. I'm not asking for something that's impossible. I'm asking for a curtain drain.

MR. LANDER: It might be impossible. Is there anybody else that wants to speak on any other subject?

MR. PETRO: Before we close the public hearing, I will, if he comes back in though on lot number one, where the

house is, I think you'd be in better shape because then we can really, then you're affecting the rear of your lots directly and then the planning board can recommend I and the engineer come up with some solutions with the curtain drains. So really you should hope that he now, you don't want the houses back there, but probably be better off.

MR. IRIZARRY: I don't mind if he builds in the front as long as he does it correctly, then I don't have to be like a fire marshal every time somebody dumps, I just want him to do it correctly.

MR. PETRO: I think he will show up some day because we have 20 acres left. Okay, I don't see any other hands, I'll entertain a motion to close the public hearing.

MR. ARGENIO: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board close the public hearing for the Highview Estates minor subdivision. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. LANDER	AYE
MR. PETRO	AYE

MR. PETRO: You need to get the New York State Freshwater Wetlands permit, get some information on that SPDES permit, we discussed third item number 4.

MR. YANOSH: That was taken care of.

MR. PETRO: The housekeeping information that Mark wants.

MR. PETRO: We're not going to take action, in the meantime, we're going to have the fire inspector or building department take a ride, inspect the area, find

out what kind of debris is out there, and I, unless Mark, do you have anything to add for a list here?

MR. EDSALL: Well, once the project goes to consideration of final approval, we'll have the fees, I don't believe there's any bonding to be done, there's no public improvements that I'm aware of.

MR. PETRO: We have highway approval on 1/1/99, that's January 11, 1999 and fire approval on January 12, 1999. Any other board members have any questions for Mr. Yanosh? I think we have certainly gone over everything. We'll see you next time. Pass along to Mr. Biagini, unless the driveway going up into the 21 acres is cleared up, we're going to just keep putting this off and there's not going to be any approvals. All right?

MR. YANOSH: Yes.

RESULTS OF P.B. MEETING OF: May 10, 2000

PROJECT: Highview Estates of O.C. P.B.# 99-2

LEAD AGENCY:

NEGATIVE DEC:

1. AUTHORIZE COORD LETTER: Y\_\_ N\_\_

M)\_\_ S)\_\_ VOTE: A\_\_ N\_\_

2. TAKE LEAD AGENCY: Y\_\_ N\_\_

CARRIED: YES\_\_ NO\_\_

M)\_\_ S)\_\_ VOTE: A\_\_ N\_\_

CARRIED: YES\_\_ NO\_\_

Close  
WAIVE PUBLIC HEARING:

M) A S) N

VOTE: A 3 N 0

Close  
WAIVED: Y ✓ N\_\_

Close  
SCHEDULE P.H. Y ✓ N\_\_

SEND TO O.C. PLANNING: Y\_\_

SEND TO DEPT. OF TRANSPORTATION: Y\_\_

REFER TO Z.B.A.: M)\_\_ S)\_\_ VOTE: A\_\_ N\_\_

RETURN TO WORK SHOP: YES\_\_ NO\_\_

APPROVAL:

M)\_\_ S)\_\_ VOTE: A\_\_ N\_\_ APPROVED: \_\_\_\_\_

M)\_\_ S)\_\_ VOTE: A\_\_ N\_\_ APPROVED CONDITIONALLY: \_\_\_\_\_

NEED NEW PLANS: Y\_\_ N\_\_

DISCUSSION/APPROVAL CONDITIONS:

<u>Fire Inspector to inspect property for dumping</u>
<u>Get out original Plan for across the street</u>
<u>and check curtain drains</u>



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**TOWN OF NEW WINDSOR  
PLANNING BOARD  
REVIEW COMMENTS**

**REVIEW NAME:** HIGHVIEW ESTATES MINOR SUBDIVISION  
**PROJECT LOCATION:** TOLEMAN ROAD  
SECTION 56 -BLOCK 1 -LOT 19.15  
**PROJECT NUMBER:** 99-02  
**DATE:** 10 May 2000  
**DESCRIPTION:** The project involves the subdivision of the 41.2 +/- acre parcel into three (3) single-family residential lots. The plan was previously reviewed at the 13 January 1999 and 24 March 1999 Planning Board meetings. This is a continuation of the public hearing left open from the March 1999 meeting.

1. As a "refresher" for the Board, this project involves a property that "spans" Toleman Road. This application proposes the creation of three(3) lots, one (1) on the west side of Toleman Road and two (2) on the east side of Toleman Road.
2. The property is located within the R-1 zoning district of the Town. The bulk information shown appears correct for the zone and use, and additional information has been added to the bulk table as previously requested. One item, which is still missing from the plan, are the "net" lot area values for each lot.
3. As the Board may recall, there was significant input from nearby property owners during the original public hearing for this project on 24 March 1999. Those neighbors present raised considerable concern with regard to drainage and sanitary/septic system operation. A field meeting was held on 26 April 1999 with representatives of the developer and neighbors. It was determined at this field meeting that the concerns of the nearby property owners involved the west side of Toleman Road, where no additional development is proposed as part of this subdivision. I advised the residents that they should focus their attention on any further subdivision of the area as depicted as Lot 1 on this subdivision plan, should same ever be proposed in the future.
4. Outstanding approvals and permits were required in connection with this application. These included:
  - NYSDEC Freshwater Wetlands Permit
  - NYSDEC SPDES Permit (if greater than 5 acres is to be disturbed)
  - NYS OPRHP approval


It is recommended that the Board request the status of each of these approvals from the applicant's representative.

**TOWN OF NEW WINDSOR  
PLANNING BOARD  
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5. Once the Board has had the opportunity to listen to any additional public comment with regard to this application and has reviewed the status of the State Agency Permits, I will perform any additional reviews, as deemed necessary by the Planning Board.

Respectfully submitted,

  
Mark J. Edsall, P.E.  
Planning Board Engineer

MJEpr

highview.pr



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Respectfully submitted,

  
\_\_\_\_\_  
Mark J. Edsall, P.E.  
Planning Board Engineer

MJEpr

highview.pr

PUBLIC HEARING:

HIGHVIEW ESTATES OF ORANGE COUNTY, INC. SUBDIVISION  
(99-2) TOLEMAN ROAD

Mr. Daniel Yanosh appeared before the board for this proposal.

MR. PETRO: If anyone is here for this public hearing, the procedure of the board is to review it and during the review, we'll open it up to the public hearing for input and comment to be recognized by the board. This application involves subdivision of 3.9 plus acres. Why don't you tell us what you want to do.

MR. YANOSH: We have a 41 acre parcel of land on Toleman Road in an R-1 zone, previously subdivided back in 1995. It's four lots on the westerly side of Toleman Road. Proposal is for three lot subdivision. At this time, lot number one will be on the west side of Toleman Road, 21.286 acres of land which contains lot number 5 of the previous subdivision previously approved house location, septic on this lot right there. The main project is on the easterly side of Toleman Road 2 lot subdivision lot number 2 we have 10.904 acres, lot number 3 with 9.04 acres, each lot will have a single family home, both lots will have a driveway entrance off Toleman Road, it will cross the wetland area which have been flagged out by the DEC and noted on the plan. The driveways will be side by side to minimize disturbance of the wetlands. We have submitted to the DEC an application to cross the wetlands with our driveway. We haven't gotten any response back from them, although it's been about three or four weeks since I sent the stuff in, got some pictures back on the site. We have done some perc tests and deep test pits out here on the site, perc tests were shown before we did some deep test pits three or four weeks ago, I haven't had a chance to put them on, it's all sandy material, nice sand and gravel perc rates are pretty good the first time Mark wanted me to do one more perc on each lot and do the weather conditions, we haven't done that yet, but I'm sure we'll get good results, soil is excellent, it's amazing what we were getting back here, the front, in the

middle, it's wetlands, you cross an AT&T buried cable line and the houses would go in the back.

MR. PETRO: Mark, how come we don't have any comments, nothing new since the last presentation?

MR. EDSALL: Well, I think at this point we're just looking for input from the public, but obviously, there's the comments from the previous meeting as far as the sanitary is, Dan indicated we're still waiting for new information on that and we still have an outstanding permit from DEC, I believe, so there's really nothing new other than we're looking to get the public input.

MR. PETRO: Any comments from the board? At this point, I'll open it up to the public first then we'll come back and review it. On March 11, 1999, 42 addressed envelopes went out for notice of public hearing notice. On March 11, 1999, 42 addressed envelopes for the agricultural district notices were mailed out, Deborah Green, notary public. Okay, at this time, I'd like to open it up to the public for a review. If there's something you'd like to state about this application, please raise your hand and be recognized by the chair, come forward, state your name and address for the stenographer. Yes, sir?

MR. THOMAS COLESANTI: Thomas Colesanti, 3 Cessna Drive. I would like you to repeat what you said about the perc test, what did you find on the perc test?

MR. YANOSH: First results we have 8 minutes and the other one was 18, 20 and 23 on the third.

MR. COLESANTI: Interesting and I'd like that checked by the Town, first of all, I have lived in this area for some time and this whole area is nothing but clay and you can't find perc like that, I don't know where they're finding it.

MR. PETRO: Mark, you'll be reviewing it?

MR. EDSALL: We'll review the information submitted but if the board wants the perc tests witnessed, that's

something you have to advise us and we'll have somebody go out.

MR. LANDER: Dan, who certifies these?

MR. YANOSH: The engineer, I was very surprised myself when I was out there to do the deep test pits, there was topsoil on top and it was almost run-a-bank gravel in some spots in the back over here in the front over here it's wet, there's no question about that along this ridge back here, I was surprised myself but--

MR. PETRO: Where are you located?

MR. COLESANTI: All right, this is the railroad tracks, this is south.

MR. YANOSH: No, that's north.

MR. COLESANTI: Then you're on the north side of the tracks, you're on the north side of the tracks.

MR. YANOSH: Yes, I said I was on the east side of Toleman Road.

MR. COLESANTI: I border his property, I sit about here, I'm on, just off Toleman Road on Cessna Drive, it's a cul-de-sac and like I said, I know the area and I know the dirt, don't see that, I want the town to make sure that the perc is for real. Second thing is Tolman Estates is a little further up the road about a quarter mile.

MR. YANOSH: New house being built right here.

MR. COLESANTI: Up here, about less than a quarter of a mile, Tolman Estates I happen to know that Coles Plumbing and Heating in Washingtonville was in and out of there, personal friends of mine, all summer, there was several wells went dry there, I have one of my neighbors he had a well starting to come up with black stuff, he had low volume, my well, I put my whole family on emergency rations, I wouldn't let anybody use water that summer, that's how bad I was. You're going to go drop more wells in the ground, what's it going to

do to our wells?

MR. PETRO: Not to waste your time or mine, we don't have any control over the wells. Your first point about the perc we have some control.

MR. COLESANTI: That I know for sure.

MR. PETRO: But the wells, we run into this all the time, I have been here for a number of years and there's no answer that we can give you that you're going to like. If someone has a lot they have every right to drill a well, the same as you did when you built your house or the next house and that doesn't mean that your well will or will not be affected, you can drill two wells ten feet apart, you're going to have two separate water feeds, but we as functioning board, we cannot tell anyone that they cannot drill a well on their property. Probably will be a constitutional infringement of some kind, we don't have that authority, power, we couldn't do it to start with, if you had say your mother left you your lot, it's been there for 25 years, you came here and we said no, you can't drill a well, but you can build a house.

MR. COLESANTI: That's one concern I have cause I know we're having problems in that area. We don't need anymore problems.

MR. PETRO: Mark, can we do something with the perc because if there's wetlands in the front, it would be a good idea.

MR. LUCAS: How can he put a stamp, he's an engineer, he wouldn't, if he has to certify it, it's New York State engineer.

MR. PETRO: Well, that's true.

MR. EDSALL: It's not uncommon, the board has asked for tests to be observed, same as the Health Department witnesses tests, we do it in a lot of municipalities, so it's not uncommon.

MR. YANOSH: I have no problem, you want me to call

your office?

MR. EDSALL: Coordinate it.

MR. PETRO: I think it's a good idea being that it's wet there, I don't see it as a major problem.

MR. LANDER: You do have good perc.

MR. YANOSH: Yes, we do, I was surprised myself.

MR. PETRO: Sometimes percs vary quite a bit.

MR. YANOSH: You move 20 feet some spots on some lots and find a different perc, sure.

MR. PETRO: We're going to go along with that and have the town official there, okay?

MR. COLESANTI: Thank you.

MR. PETRO: Anyone else like to speak?

MS. MAUREEN HAAS: I live, my name is Maureen Haas, I live at 249 Toleman Road, I have several issues that I'd like to bring up about the house that's being built behind.

MR. YANOSH: That was approved when we put these first four lots off, we had this lot here was vacant, we had to prove that we can put a house on the remaining property.

MS. HAAS: Are you going to put the house on the 21 acres?

MR. YANOSH: He has intentions of subdividing this some more, we've done some percs up in back again, this is a low area here in the middle back here soil is pretty good, eventually, that's why we left the strip here in the beginning to get more access back here.

MR. PETRO: She's probably not, you're not probably planning on putting a house there, correct?

MR. YANOSH: Who knows.

MR. PETRO: You could, but it's probably when you do a subdivision, they have to show a house on the remaining property that's probably the case here, it may not be in that location, but they could put one there.

MS. HAAS: Well, my problems are receive problems that I have. As I said, this is our house, several problems that we're having, one is a drainage problem. From what I understand from coming to this town and speaking to the town office, there's a lot of drainage problems and he was scheduled to put a curtain drain in along my property which borders my property and McPartland and a curtain drain was scheduled to be put in, there was no curtain drain put in and it was signed off and approved as a curtain drain. I have the form right here, nobody put a curtain drain in and there's a drainage problem as of now.

MR. PETRO: Are you living on that lot?

MS. HAAS: Yes and when I came to the town, they told me that that was considered a private improvement that nobody came out and inspected it cause it was considered a private improvement.

MR. PETRO: Mike, what do you know about that?

MR. BABCOCK: On the sanitary systems, they are designed by an engineer and they apply for a permit from us and once they are installed, the design engineer inspects that septic system and certifies to the town that it's been installed in accordance with that plan. The curtain drain for the septic system is part of that design, they are putting the curtain drain in to keep the ground water away from the septic system.

MS. HAAS: I'm not talking about the septic as yet.

MR. PETRO: Along the property line.

MR. MCPARTLAND: I came in and I had them put that in.

MS. HAAS: All it is, it's a 3 year old could have done it, it's just a hole with a pipe black corrugated pipe, there's nothing attached, there's no gravel and it got washed out, it wasn't even no curtain drain at all and something else I want to bring up, I had septic problems according to one of the sheets on these maps that you have according Ed Biagini's supposed to be coming back in a year to check the septic problem, I've called Ed Biagini several times, he told me it wasn't septic but drainage problem, I have several forms here from different septic companies that I've called that said it's a septic problem, I've had a child who developed a parasite due to the septic in the front lawn, the black murky water that comes up and there's septic problems, I have a septic problem at 249, my neighbors, all three of those other new houses have septic problems also.

MR. LANDER: Now, Ed Biagini built your house?

MS. HAAS: Yes.

MR. LANDER: I guess he built the one next to it.

MS. HAAS: He built all the other homes.

MR. LANDER: The objection is that he never corrected the problems, is that what your objection is to this subdivision?

MS. HAAS: There's a drainage problem in the area, if you walk back on these lands back here.

MR. LANDER: Behind your house?

MS. HAAS: Behind my house, all these properties right over here between where, was it between Flint and Irizarry, there's a big huge pond, if that's what you want to call it, the water smells, the water comes of course with the bad rain it comes washing down and our houses, the whole back yards are saturated, there's a drainage problem. If he does propose to build his house, we all want curtain drains or some type of a drainage put in, not what he had originally proposed for McPartland when my house was being constructed



because that wasn't done correctly.

MR. PETRO: Mark, can you go out and take a look this, sounds pretty complicated and not represented properly, I think.

MR. ARGENIO: Mr. Yanosh, why are there contours on the right side and none on the left side?

MR. YANOSH: This was an existing house that was proposed there were contours from the original subdivision, we plan on doing nothing on this side right now.

MR. PETRO: That's an existing house?

MR. YANOSH: The old subdivision, okay, this is the proposed house, okay, what we're doing now is just really we're adding two more houses on this side that's why we're showing contours, we're not showing any other, that's why I left the contours off.

MR. PETRO: You're showing the one house required by law.

MR. YANOSH: That was approved at a previous subdivision.

MR. ARGENIO: Let me just please bear with me in the fact that we don't have a specific summary on this application, this application is to cut, what are we doing specifically on the right side of Toleman Road, are you making two lots out of one, is that correct?

MR. YANOSH: In New Windsor, a road does not subdivide a piece of property, so when I cut these four lots off, we left this strip in between so we had a piece of property that looked like an hour glass like this and through the road this way.

MR. ARGENIO: Now you're taking that large parcel that was contiguous through the road, you're cutting it into three pieces?

MR. YANOSH: No, this side we're cutting into two and

the remainder is this one here, which is the lot number 3.

MR. ARGENIO: Okay, I understand.

MR. YANOSH: Which was again this was approved before, that's why I don't show anything different on this one there.

MR. LANDER: We're still going to have to see contours.

MR. ARGENIO: I would think that that would be reasonable.

MR. YANOSH: Just would be confusing, they were done for the first one, I can throw them on.

MR. PETRO: Whether we're only working on the one side of the road or not, frankly, I don't really care if there's a problem we have to resolve it.

MR. YANOSH: I have no problem.

MR. PETRO: There's a good chance while you're here to take, I'd like the engineer to take a look, show us the contours. I also want to see the flow of water somehow and find out why the curtain drains weren't installed.

MR. LUCAS: Can we alleviate the pond area, is there a way to do that which is south of your house, is there a way you can drain that off?

MR. YANOSH: It does drop off from these back yards down into their lower area.

MS. HAAS: There's a higher area.

MS. ANNETTE IRIZARRY: My name is Annette Irizarry, 237 Toleman Road, I'd like to respond about the septic and drainage problems. We're new homeowners. We weren't the original homeowners for this home. We, on March 26 of 1998, we had our engineer come in and inspect the home for our proposed purchase. At that time, he found a major septic problem, not only defined a major septic problem, we have a survey that indicates that the

septic system is on one side of the home when it's on the other. We are showing leach fields which they are not showing, a curtain drain where it's not. Also behind the home, the engineer also noted that we had too much moisture that we also needed in order for proper drainage another curtain drain to go parallel rather horizontally across the back of our land in order to protect our home from water damage. This is a major concern to my husband and I, besides that, we're very concerned about the road that he's proposing, we find it incredible that since he has 21 acres of land behind us that he proposes to put a road that looks like it's less than 40 feet from our property edge. And we're major league concerned about that.

MR. PETRO: You already purchased the home?

MRS. IRIZARRY: We purchased the home, our previous, this is my husband, the previous homeowners are in the process of suing Mr. Biagini, I'd like to add during the time that this problem was found, this house was under a contract, a warrantee if there was a septic problem found within two years, he would come and replace it and/or repair it. He flat out refused to do it. It in turn caused us a lot of heartache, both families a lot of heartache and lot of money and effort in order for my husband to make this transaction work.

MR. IRIZARRY: I would like to say this is the first time I'm talking so if I'm out of line, just let me know, Biagini has a reputation for building houses and then later on, there's a problem, doesn't come back. I don't know, I bought the house as is, the problem 12 to \$14,000 problem, Spagnoli came over and he also told us that we had an engineer, Stephen Deutch, I don't know if you ever heard of him, when we initially were buying the house, he says there should be a drain, curtain drain in the back because if they ever decide to put anything up with the percolation rate the way it is at that time that we tested which was high, he said that there would be a problem with the water coming down and we would have a problem even in the future whether they build or not, he did advise that to us. And another thing is with as far as in the back where they propose this house, I have walked back there, he's the neighbor

that lives in front, I've walked back there, it's constantly mud, there's a septic problem in the other side of the house where black puddles are coming up, it's a constant problem that the ground cannot hold, it's moist all the time, he did the survey which I have here, this is his survey, right?

MRS. IRIZARRY: No, this is a small copy of the survey.

MR. IRIZARRY: He signed off on this and the septic isn't even where they showed it, they can bring another surveyor to make sure cause I really don't trust the survey, the mistake happened once, why couldn't it happen again and so I want somebody that has nothing to do with it, you can bring someone from the outside in to check this out with the percolation, right, I don't see how you can say that it's quality type of dirt because that's the worst, we have to constantly bring in dirt if we want to grow any plants, we have to constantly go out and buy dirt.

MR. PETRO: He's saying on the other side of the road where these other two houses are being shown that dirt is much different than what you're talking about but we're also concerned with your problem and later on what's going to happen there so I'm not belittling your problem.

MR. IRIZARRY: It's a big health issue with the septic.

MRS. IRIZARRY: I would personally like to see the Department of Health get involved and making sure that if he does have permission to build this home that they are involved to make sure these septic systems are all corrected and the one that he's built is actually built to spec and I also in addition to that I'd also like DEC, I have already contacted DEC to find out what constitutes a wetland, I have already received information and considering that he has not received his permit, I will put you on notice that I am going to be writing the DEC to come and survey the back of my land to confirm the fact that it's not a wetland.

MR. KEVIN MCPARTLAND: Kevin McPartland, I reside at 255 Toleman Road. I was here when the original plan

was drawn up and I was the one that mentioned the water problem in the workmanship. That he did own, that's ridiculous. The town would probably tell you they have been out there and it washed the whole road right out, we had one rain and it washed the main road out because it was coming down so heavy out of there and the town came out, they had to blacktop and all the town did was put the stone back up so it can wash out again but like--

MR. PETRO: Curtain drains were never put in?

MR. MCPARTLAND: I don't know what justifies a curtain drain, but I believe it's got to be four foot wide by so many feet deep, this was four foot, okay, by a couple feet wide, this was maybe like this deep just scraped it with the backhoe and filled it in with stones.

MR. PETRO: Wasn't that bonded somewhere?

MR. BABCOCK: No, it's a private improvement on an individual lot, Jim, and, you know, it's not a permitted item, you know, you wouldn't get a building permit or any type of permit to put that in and, you know, if somebody does a subdivision that shows some type of private improvement on it and doesn't build that subdivision or that lot for ten years, you wouldn't know about it, I mean when they do a subdivision like this and they are going to build in the next couple months, you do remember certain things that they are supposed to do, it's the contractor's obligation to put in these curtain drains that are on these maps.

MR. PETRO: Is Mr. Biagini the owner of this other property?

MR. YANOSH: Yes.

MR. PETRO: I don't want to look at it anymore.

MR. LANDER: Just one question, Mike, was any of the work done in the town's right-of-way?

MR. BABCOCK: I'm not sure what this gentleman's talking about about this area that's 4 foot.

MR. MCPARTLAND: It's right between our two properties.

MR. BABCOCK: No, this is on their private property.

MR. LANDER: If it was in the town right-of-way, then the town could notify Mr. Biagini on notice that he did work in the town right-of-way, didn't have it inspected or anything, but as long as it's on private property then--

MR. BABCOCK: Ron, what they are saying is this map says proposed curtain drain to divert runoff away from lands of McPartland and what they are saying proposed curtain drain, what this gentleman is telling you is that they did put a ditch in here and filled it with stone which could be considered as curtain drain.

MS. HAAS: I have something else to say knowing the reputation Ed Biagini has with his building, something else I would like to bring up is in case you all don't know by now, Ed Biagini injured one of my children, his workers, not him, personally. He hired a gentleman who was intoxicated to come to my house to fix something that was on the list. If Ed is going to build a house on that road, I want some type of a fence put up. I want his worker's competent, not intoxicated. He also sent Vern Allen to my house, I don't know if you are familiar with Vern Allen with an oxygen tank to plaster my ceiling, this is the type of workers he has. If he is going to build these houses, I want competent workers.

MR. PETRO: What I am going to do is I'm not going to end the public hearing, I'm going to table this public hearing. Mr. Yanosh, I'm not closing this public hearing out, it's going to be tabled, you can inform Mr. Biagini that he's to be here at the next public hearing, whenever we resume it, we're not going to look at this any further. Mark, I guess what you can do in the meantime is you can check on some percolations at least and do a field visit with Mike. Obviously, if any of the members would like to go something out, I

think you should take a look.

MR. YANOSH: Give me a call.

MR. PETRO: Mr. Yanosh, I'm not trying to give you a hard time, the applicant has the right to build, but under the circumstances, this sounds like somebody hasn't completed what they are supposed to do so we're absolutely not going to review this which means no further subdivision, it's his right to take any legal action if he so chooses, but we're not going to review on a friendly basis, we'll not close out the public hearing and we're just going to leave it open. Mark, you can give me a list next time for the meeting and we're going to continue there, does everybody understand that?

MR. EDSALL: Jim, if we can get the people who spoke with their particular concerns before they leave, stop over and just give me their phone number, so if I do have any question, I have a way of getting ahold of you.

MR. COLESANTI: Will we be notified by mail?

MR. PETRO: Yes.

MS. HAAS: Will we be notified when the people come out to check the land?

MR. EDSALL: We'll probably try to contact you.

MR. PETRO: Give him your name and phone number, please. Mark, let's do it right now during the public hearing, all the members have an understanding we're not going to close the public hearing and we'll review it again with Mr. Biagini here and I want to have some concrete answers, Mr. Yanosh.

MR. LUCAS: Do you want it in a motion?

MR. PETRO: No, I don't think we need a motion.

MR. KRIEGER: Motion to table.

MR. LUCAS: Make a motion to table.

MR. LANDER: Second it.

MR. PETRO: Motion's been made and seconded that the Town of New Windsor Planning Board table the public hearing for the Highview Estates of Orange County, Inc. subdivision on Toleman Road, without date, they need to gather some information without date. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. STENT	AYE
MR. LUCAS	AYE
MR. LANDER	AYE
MR. PETRO	AYE

MR. PETRO: Public hearing will be reopened that will be published and you'll have a chance to come back here again. This time, I want somebody here to tell me what's going on by way of Mr. Biagini and also our engineer is going to have a list of comments and have some inspections under his belt so we know what's going on. Why don't you give them a piece of paper.

MR. EDSALL: I have it passed around. One question we might ask Dan before he leaves there was some correspondence, a copy of which went to the engineer and yourself from DEC relative to the driveways and they recommended that the drives be a common drive which of course isn't permitted in New Windsor, unless it's going to be a private road, if it wasn't a common drive, they were looking for a minimum space of 50 feet between them, has that been resolved on your plan?

MR. YANOSH: No, they haven't responded back to me on the initial plan, I looked at that too, you know, normally want them either common to minimize the disturbance, but if they want to move them 50 foot apart.

MR. EDSALL: Minimum separation of 50 feet or common



now I don't know if they mean by common if they are parallel to each other with a minor separation, but I would ask that this be resolved as soon as possible because I don't believe that the public or the board should be looking at a plan at a public hearing that in fact may change dramatically if the DEC requires it.

MR. YANOSH: Would you accept a common driveway?

MR. EDSALL: Cannot be a common driveway that they share the use of the traveled way because then it becomes a private road, but if they allow you to put two parallel driveways with a separation down the middle with landscaping or some type of median.

MR. YANOSH: So my correspondence to them will be either my only choice is to leave it the way it is or abide by the rules separated by 50 feet.

MR. EDSALL: As you have it now, so they may make you tighten it up a little bit, but those are your two choices, really.

MR. PETRO: One more comment before you leave, these curtain drains or drainage for this property it's obvious for me that they are causing the septic problems, sheet flow coming down just infiltrating into the septic problems, it's not going to go away, when you mention the curtain drains, I don't want to see a plan coming back before the board with just a curtain drain to the property line, I want to know where it's going to be and how it's going to empty, it's got to go somewhere. Hear what I'm saying? I don't want to see a curtain drain just to the edge of the property line, and it doesn't go anywhere, these drains have to.

MR. ARGENIO: You want to know the final disposition of the water?

MR. PETRO: Correct.

MR. EDSALL: We should also make sure that any proposed curtain drains have a detail of what's required as far as width, depth, material, if they have piping or not piping.

MR. PETRO: Only a suggestion. How many acres are left?

MR. YANOSH: Twenty-one.

MR. PETRO: It may be wise to figure out some drain that if that 21 acres is built on at some point, it's going to be able to handle that water. That may be putting the cart before the horse, but if not when you come back in for a further subdivision, they are all going to have to be ripped out and brought up to size.

MRS. IRIZARRY: I'm sorry, excuse me.

MR. PETRO: Public hearing's closed, make it very quick.

MRS. IRIZARRY: One item that our roof leaders draining into the property are all facing the septic system so that is an issue as well that can also be affecting.

MR. PETRO: That would help, that's not a planning board issue.

MRS. IRIZARRY: Concerning the drainage so wherever they are going to put the curtain drain.

MR. PETRO: You may be able to run the gutters, drains underground and take it away, I can only go so far, in reality, you're right, but I can only do so much.

MR. IRIZARRY: Bottom line we just want people to check him out if he wants to put up his house anyway he wants, but we want him to do it legitimately, everybody that's dealt with the gentleman in the past has continued to have the same problem.

MR. PETRO: Understand one thing if this man never comes here again now to further this subdivision we're never going to see him again and you're never going to hear from us, your battle at that point would be with the builder, maybe you wanted the DEC, I don't know what your policy will be, but we can only review this if he comes here again for further subdivision into the

property. It's obvious that tonight he's not getting anywhere until the problems are fixed with this board but if he doesn't come back here you're not going to hear from us.

MR. IRIZARRY: There's no way he can bypass this board?

MR. PETRO: Absolutely not.

MR. KRIEGER: No way he can bypass it in terms of getting further approvals for what has already happened it isn't a court, it can't be decided here, he can't be compelled to either adhere to a contract or found in violation or anything like that, as to what's already happened. What the chairman is saying is if he wants to go further with this subdivision application, or any other subdivision, then he has to come here and all roads lead through here, there's no way to get around it.

MRS. IRIZARRY: If he does not return, is there any type of statute of limitations that he has to meet or come back in or anything like that, does he have up until the day he dies to come back here and try to get approval?

MR. PETRO: Yes, he can always develop on his property, so this particular application may die a slow death, we don't know that.

MRS. IRIZARRY: Does it terminate, does it expire this application or stays open?

MR. PETRO: No, only if he had final approval, but he's not to that point, this is a minor subdivision, therefore, the Board of Health will not be involved with this.

MR. EDSALL: Correct.

MRS. IRIZARRY: We've contacted them.

MR. PETRO: I'm trying to make the point we're not going to, but what you do is your business.

MR. IRIZARRY: If you have 21 acres, why are you going to build this right on top of everybody else?

MR. PETRO: He's meeting his front yard setback, you can have a thousand acres if you meet your front yard setback which I believe is 40 feet, Mike?

MR. BABCOCK: I'm not sure.

MR. PETRO: Whatever that may be, I'm sure he's got it legal.

MR. YANOSH: Forty-five.

MR. PETRO: He can have 2,000 acres and if he has 45 feet back is where the first house can be, that's why he did that, that's the law. Good luck.

MR. YANOSH: Thank you.

-----X  
In the Matter of Application for Site Plan/Subdivision of

AFFIDAVIT OF  
SERVICE  
BY MAIL

AFFIMAIL.PLB - DISC#1 P.3.

PLANNING BOARD : TOWN OF NEW WINDSOR  
COUNTY OF ORANGE : STATE OF NEW YORK

In the Matter of Application for ~~Site Plan~~ Subdivision of

Highview Estates of O.C.

56-1-19.15

Applicant.

AFFIDAVIT OF  
SERVICE  
BY MAIL

STATE OF NEW YORK )  
 ) SS.:  
COUNTY OF ORANGE )

MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 27 Bethlehem Road, New Windsor, NY 12553.

On 4/24/2000, I compared the 40 addressed envelopes containing the attached Agricultural District Notice with the certified list provided by the Assessor regarding the above application for Site Plan/Subdivision and I find that the addressees are identical to the list received. I then mailed the envelopes in a U.S. Depository within the Town of New Windsor.

Myra L. Mason  
Myra L. Mason, Secretary for  
the Planning Board

Subscribed before me this

24<sup>th</sup> day of April, 2000

Deborah Green  
Notary Public

DEBORAH GREEN  
Notary Public, State of New York  
Qualified in Orange County  
# 4984065  
Commission Expires July 15, 2001

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the PLANNING BOARD of the TOWN OF NEW WINDSOR, County of Orange, State of New York will hold a PUBLIC HEARING at Town Hall, 555 Union Avenue, New Windsor, New York on May 10, 2000 at 7:30 P.M. on the approval of the proposed 3 Lot Subdivision of Lands of Highview Estates of Orange County, Inc., located on Toleman Road being tax map parcel Section 56 Block 1 Lot 19.15. This Public Hearing is a continuation of an earlier Public Hearing for this project and a map of the 3 Lot Subdivision of Lands of Highview Estates of Orange County, Inc. is on file and may be inspected at the Planning Board Office, Town Hall, 555 Union Avenue, New Windsor, N.Y. prior to the Public Hearing.

April 20, 2000

By Order of

TOWN OF NEW WINDSOR PLANNING BOARD

James R. Petro, Jr.

Chairman

● Highview Estates ● Sub.

Public Hearing - March 24, 1999

? Spoke re: Well problems with neighbors.

Maureen Hens - Tolman Rd.

Spoke re: the house or the large vacant piece.  
drainage problems on her property  
septic problems

Annette Drazzani - Tolman Rd

Spoke re: septic problem.

Kevin McPartland -

Spoke re: Water problem



3/13/00



# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

## REQUEST FOR NOTIFICATION LIST

DATE: 3-13-00

1763

NAME: Highview Estates of O.C. TELE: (914) 361-4700 (Dan Yanosh)

ADDRESS: P.O. Box 286

Notify →

Salisbury Mills, N.Y. 12577

TAX MAP NUMBER: SEC. 56, BLOCK 1, LOT 19.15  
SEC. \_\_\_\_\_, BLOCK \_\_\_\_\_, LOT \_\_\_\_\_  
SEC. \_\_\_\_\_, BLOCK \_\_\_\_\_, LOT \_\_\_\_\_

PUBLIC HEARING DATE (IF KNOWN): \_\_\_\_\_

### THIS PUBLIC HEARING IS BEING REQUESTED BY:

#### NEW WINDSOR PLANNING BOARD:

##### SITE PLAN & SUBDIVISIONS:

(LIST WILL CONSIST OF ABUTTING  
PROPERTY OWNERS AND ACROSS ANY STREET)

☒  
YES

##### ~~SPECIAL PERMIT ONLY:~~

~~(LIST WILL CONSIST OF ALL PROPERTY  
OWNERS WITHIN 500 FEET)~~

~~YES~~

##### AGRICULTURAL DISTRICT:

(LIST WILL CONSIST OF ALL PROPERTY OWNERS  
WITHIN THE AG DIST. WHICH IS WITHIN 500'  
OF SITE PLAN OR SUBDIVISION PROJECT)

☒  
YES

\*\*\*\*\*

#### NEW WINDSOR ~~ZONING~~ BOARD:

~~(LIST WILL CONSIST OF ALL PROPERTY  
OWNERS WITHIN 500 FEET)~~

~~YES~~

\*\*\*\*\*

AMOUNT OF DEPOSIT \$ \_\_\_\_\_ TOTAL CHARGE \$ \_\_\_\_\_



McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.  
JAMES M. FARR, P.E.

- ☐ **Main Office**  
45 Quassaick Ave. (Route 9W)  
New Windsor, New York 12553  
(914) 562-8640
- ☐ **Branch Office**  
507 Broad Street  
Milford, Pennsylvania 18337  
(570) 296-2765

28 April 1999

#### MEMORANDUM

TO: Chairman James Petro and Planning Board Members

FROM: Mark J. Edsall, P.E., Planning Board Engineer

SUBJECT: HIGH VIEW ESTATES SUBDIVISION  
FIELD REVIEW 27 APRIL 1999  
MHE JOB NO. 99-02

On the afternoon of 26 August 1999 the undersigned and Building Inspector Mike Babcock met with representatives Ed Biagini and Dan Yanosh of the subject project at the site located on Toleman Road. The purpose of our visit was to evaluate the various comments received from the public on 24 March 1999. Prior to attending this field review, the undersigned contacted the parties from the Public Hearing (as a courtesy) by telephone, in many cases leaving recorded messages advising of the field review.

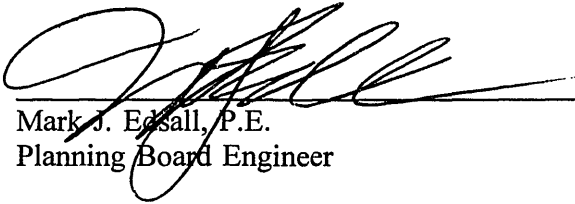
Once we met at the site, it became abundantly clear that all of the concerns raised by the property owners involved the conditions on the west side of Toleman Road. On this side, the High View Estates project already has an approved building location, and this application does not propose and further development on the west side of the roadway. All development proposed as part of this subdivision is on the east (opposite) side of the roadway from the concerned residents. As a result of this conclusion, it was agreed by all parties present that these concerns, although they may be valid, are not pertinent to the two lots proposed for this subdivision. It is absolutely necessary that the Applicant understand (and they were advised) that these concerns must be addressed at the time any further subdivision is proposed for the parcel on the west side of Toleman Road.

28 April 1999

If you have any questions regarding the above, please do not hesitate to contact the undersigned or Mike Babcock.

Very truly yours,

**McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS, P.C.**



Mark J. Edsall, P.E.  
Planning Board Engineer

MJEsh

cc: Mike Babcock, Building Inspector

a:highview.sh

PUBLIC HEARING:

HIGHVIEW ESTATES OF ORANGE COUNTY, INC. SUBDIVISION  
(99-2) TOLEMAN ROAD

Mr. Daniel Yanosh appeared before the board for this proposal.

MR. PETRO: If anyone is here for this public hearing, the procedure of the board is to review it and during the review, we'll open it up to the public hearing for input and comment to be recognized by the board. This application involves subdivision of 3.9 plus acres. Why don't you tell us what you want to do.

MR. YANOSH: We have a 41 acre parcel of land on Toleman Road in an R-1 zone, previously subdivided back in 1995. It's four lots on the westerly side of Toleman Road. Proposal is for three lot subdivision. At this time, lot number one will be on the west side of Toleman Road, 21.286 acres of land which contains lot number 5 of the previous subdivision previously approved house location, septic on this lot right there. The main project is on the easterly side of Toleman Road 2 lot subdivision lot number 2 we have 10.904 acres, lot number 3 with 9.04 acres, each lot will have a single family home, both lots will have a driveway entrance off Toleman Road, it will cross the wetland area which have been flagged out by the DEC and noted on the plan. The driveways will be side by side to minimize disturbance of the wetlands. We have submitted to the DEC an application to cross the wetlands with our driveway. We haven't gotten any response back from them, although it's been about three or four weeks since I sent the stuff in, got some pictures back on the site. We have done some perc tests and deep test pits out here on the site, perc tests were shown before we did some deep test pits three or four weeks ago, I haven't had a chance to put them on, it's all sandy material, nice sand and gravel perc rates are pretty good the first time Mark wanted me to do one more perc on each lot and do the weather conditions, we haven't done that yet, but I'm sure we'll get good results, soil is excellent, it's amazing what we were getting back here, the front, in the

middle, it's wetlands, you cross an AT&T buried cable line and the houses would go in the back.

MR. PETRO: Mark, how come we don't have any comments, nothing new since the last presentation?

MR. EDSALL: Well, I think at this point we're just looking for input from the public, but obviously, there's the comments from the previous meeting as far as the sanitary is, Dan indicated we're still waiting for new information on that and we still have an outstanding permit from DEC, I believe, so there's really nothing new other than we're looking to get the public input.

MR. PETRO: Any comments from the board? At this point, I'll open it up to the public first then we'll come back and review it. On March 11, 1999, 42 addressed envelopes went out for notice of public hearing notice. On March 11, 1999, 42 addressed envelopes for the agricultural district notices were mailed out, Deborah Green, notary public. Okay, at this time, I'd like to open it up to the public for a review. If there's something you'd like to state about this application, please raise your hand and be recognized by the chair, come forward, state your name and address for the stenographer. Yes, sir?

MR. THOMAS COLESANTI: Thomas Colesanti, 3 Cessna Drive. I would like you to repeat what you said about the perc test, what did you find on the perc test?

MR. YANOSH: First results we have 8 minutes and the other one was 18, 20 and 23 on the third.

MR. COLESANTI: Interesting and I'd like that checked by the Town, first of all, I have lived in this area for some time and this whole area is nothing but clay and you can't find perc like that, I don't know where they're finding it.

MR. PETRO: Mark, you'll be reviewing it?

MR. EDSALL: We'll review the information submitted but if the board wants the perc tests witnessed, that's

something you have to advise us and we'll have somebody go out.

MR. LANDER: Dan, who certifies these?

MR. YANOSH: The engineer, I was very surprised myself when I was out there to do the deep test pits, there was topsoil on top and it was almost run-a-bank gravel in some spots in the back over here in the front over here it's wet, there's no question about that along this ridge back here, I was surprised myself but--

MR. PETRO: Where are you located?

MR. COLESANTI: All right, this is the railroad tracks, this is south.

MR. YANOSH: No, that's north.

MR. COLESANTI: Then you're on the north side of the tracks, you're on the north side of the tracks.

MR. YANOSH: Yes, I said I was on the east side of Toleman Road.

MR. COLESANTI: I border his property, I sit about here, I'm on, just off Toleman Road on Cessna Drive, it's a cul-de-sac and like I said, I know the area and I know the dirt, don't see that, I want the town to make sure that the perc is for real. Second thing is Tolman Estates is a little further up the road about a quarter mile.

MR. YANOSH: New house being built right here.

MR. COLESANTI: Up here, about less than a quarter of a mile, Tolman Estates I happen to know that Coles Plumbing and Heating in Washingtonville was in and out of there, personal friends of mine, all summer, there was several wells went dry there, I have one of my neighbors he had a well starting to come up with black stuff, he had low volume, my well, I put my whole family on emergency rations, I wouldn't let anybody use water that summer, that's how bad I was. You're going to go drop more wells in the ground, what's it going to

do to our wells?

MR. PETRO: Not to waste your time or mine, we don't have any control over the wells. Your first point about the perc we have some control.

MR. COLESANTI: That I know for sure.

MR. PETRO: But the wells, we run into this all the time, I have been here for a number of years and there's no answer that we can give you that you're going to like. If someone has a lot they have every right to drill a well, the same as you did when you built your house or the next house and that doesn't mean that your well will or will not be affected, you can drill two wells ten feet apart, you're going to have two separate water feeds, but we as functioning board, we cannot tell anyone that they cannot drill a well on their property. Probably will be a constitutional infringement of some kind, we don't have that authority, power, we couldn't do it to start with, if you had say your mother left you your lot, it's been there for 25 years, you came here and we said no, you can't drill a well, but you can build a house.

MR. COLESANTI: That's one concern I have cause I know we're having problems in that area. We don't need anymore problems.

MR. PETRO: Mark, can we do something with the perc because if there's wetlands in the front, it would be a good idea.

MR. LUCAS: How can he put a stamp, he's an engineer, he wouldn't, if he has to certify it, it's New York State engineer.

MR. PETRO: Well, that's true.

MR. EDSALL: It's not uncommon, the board has asked for tests to be observed, same as the Health Department witnesses tests, we do it in a lot of municipalities, so it's not uncommon.

MR. YANOSH: I have no problem, you want me to call

your office?

MR. EDSALL: Coordinate it.

MR. PETRO: I think it's a good idea being that it's wet there, I don't see it as a major problem.

MR. LANDER: You do have good perc.

MR. YANOSH: Yes, we do, I was surprised myself.

MR. PETRO: Sometimes percs vary quite a bit.

MR. YANOSH: You move 20 feet some spots on some lots and find a different perc, sure.

MR. PETRO: We're going to go along with that and have the town official there, okay?

MR. COLESANTI: Thank you.

MR. PETRO: Anyone else like to speak?

MS. MAUREEN HAAS: I live, my name is Maureen Haas, I live at 249 Toleman Road, I have several issues that I'd like to bring up about the house that's being built behind.

MR. YANOSH: That was approved when we put these first four lots off, we had this lot here was vacant, we had to prove that we can put a house on the remaining property.

MS. HAAS: Are you going to put the house on the 21 acres?

MR. YANOSH: He has intentions of subdividing this some more, we've done some percs up in back again, this is a low area here in the middle back here soil is pretty good, eventually, that's why we left the strip here in the beginning to get more access back here.

MR. PETRO: She's probably not, you're not probably planning on putting a house there, correct?



MR. YANOSH: Who knows.

MR. PETRO: You could, but it's probably when you do a subdivision, they have to show a house on the remaining property that's probably the case here, it may not be in that location, but they could put one there.

MS. HAAS: Well, my problems are receive problems that I have. As I said, this is our house, several problems that we're having, one is a drainage problem. From what I understand from coming to this town and speaking to the town office, there's a lot of drainage problems and he was scheduled to put a curtain drain in along my property which borders my property and McPartland and a curtain drain was scheduled to be put in, there was no curtain drain put in and it was signed off and approved as a curtain drain. I have the form right here, nobody put a curtain drain in and there's a drainage problem as of now.

MR. PETRO: Are you living on that lot?

MS. HAAS: Yes and when I came to the town, they told me that that was considered a private improvement that nobody came out and inspected it cause it was considered a private improvement.

MR. PETRO: Mike, what do you know about that?

MR. BABCOCK: On the sanitary systems, they are designed by an engineer and they apply for a permit from us and once they are installed, the design engineer inspects that septic system and certifies to the town that it's been installed in accordance with that plan. The curtain drain for the septic system is part of that design, they are putting the curtain drain in to keep the ground water away from the septic system.

MS. HAAS: I'm not talking about the septic as yet.

MR. PETRO: Along the property line.

MR. MCPARTLAND: I came in and I had them put that in.

MS. HAAS: All it is, it's a 3 year old could have done it, it's just a hole with a pipe black corrugated pipe, there's nothing attached, there's no gravel and it got washed out, it wasn't even no curtain drain at all and something else I want to bring up, I had septic problems according to one of the sheets on these maps that you have according Ed Biagini's supposed to be coming back in a year to check the septic problem, I've called Ed Biagini several times, he told me it wasn't septic but drainage problem, I have several forms here from different septic companies that I've called that said it's a septic problem, I've had a child who developed a parasite due to the septic in the front lawn, the black murky water that comes up and there's septic problems, I have a septic problem at 249, my neighbors, all three of those other new houses have septic problems also.

MR. LANDER: Now, Ed Biagini built your house?

MS. HAAS: Yes.

MR. LANDER: I guess he built the one next to it.

MS. HAAS: He built all the other homes.

MR. LANDER: The objection is that he never corrected the problems, is that what your objection is to this subdivision?

MS. HAAS: There's a drainage problem in the area, if you walk back on these lands back here.

MR. LANDER: Behind your house?

MS. HAAS: Behind my house, all these properties right over here between where, was it between Flint and Irizarry, there's a big huge pond, if that's what you want to call it, the water smells, the water comes of course with the bad rain it comes washing down and our houses, the whole back yards are saturated, there's a drainage problem. If he does propose to build his house, we all want curtain drains or some type of a drainage put in, not what he had originally proposed for McPartland when my house was being constructed

because that wasn't done correctly.

MR. PETRO: Mark, can you go out and take a look this, sounds pretty complicated and not represented properly, I think.

MR. ARGENIO: Mr. Yanosh, why are there contours on the right side and none on the left side?

MR. YANOSH: This was an existing house that was proposed there were contours from the original subdivision, we plan on doing nothing on this side right now.

MR. PETRO: That's an existing house?

MR. YANOSH: The old subdivision, okay, this is the proposed house, okay, what we're doing now is just really we're adding two more houses on this side that's why we're showing contours, we're not showing any other, that's why I left the contours off.

MR. PETRO: You're showing the one house required by law.

MR. YANOSH: That was approved at a previous subdivision.

MR. ARGENIO: Let me just please bear with me in the fact that we don't have a specific summary on this application, this application is to cut, what are we doing specifically on the right side of Toleman Road, are you making two lots out of one, is that correct?

MR. YANOSH: In New Windsor, a road does not subdivide a piece of property, so when I cut these four lots off, we left this strip in between so we had a piece of property that looked like an hour glass like this and through the road this way.

MR. ARGENIO: Now you're taking that large parcel that was contiguous through the road, you're cutting it into three pieces?

MR. YANOSH: No, this side we're cutting into two and

the remainder is this one here, which is the lot number 3.

MR. ARGENIO: Okay, I understand.

MR. YANOSH: Which was again this was approved before, that's why I don't show anything different on this one there.

MR. LANDER: We're still going to have to see contours.

MR. ARGENIO: I would think that that would be reasonable.

MR. YANOSH: Just would be confusing, they were done for the first one, I can throw them on.

MR. PETRO: Whether we're only working on the one side of the road or not, frankly, I don't really care if there's a problem we have to resolve it.

MR. YANOSH: I have no problem.

MR. PETRO: There's a good chance while you're here to take, I'd like the engineer to take a look, show us the contours. I also want to see the flow of water somehow and find out why the curtain drains weren't installed.

MR. LUCAS: Can we alleviate the pond area, is there a way to do that which is south of your house, is there a way you can drain that off?

MR. YANOSH: It does drop off from these back yards down into their lower area.

MS. HAAS: There's a higher area.

MS. ANNETTE IRIZARRY: My name is Annette Irizarry, 237 Toleman Road, I'd like to respond about the septic and drainage problems. We're new homeowners. We weren't the original homeowners for this home. We, on March 26 of 1998, we had our engineer come in and inspect the home for our proposed purchase. At that time, he found a major septic problem, not only defined a major septic problem, we have a survey that indicates that the

septic system is on one side of the home when it's on the other. We are showing leach fields which they are not showing, a curtain drain where it's not. Also behind the home, the engineer also noted that we had too much moisture that we also needed in order for proper drainage another curtain drain to go parallel rather horizontally across the back of our land in order to protect our home from water damage. This is a major concern to my husband and I, besides that, we're very concerned about the road that he's proposing, we find it incredible that since he has 21 acres of land behind us that he proposes to put a road that looks like it's less than 40 feet from our property edge. And we're major league concerned about that.

MR. PETRO: You already purchased the home?

MRS. IRIZARRY: We purchased the home, our previous, this is my husband, the previous homeowners are in the process of suing Mr. Biagini, I'd like to add during the time that this problem was found, this house was under a contract, a warrantee if there was a septic problem found within two years, he would come and replace it and/or repair it. He flat out refused to do it. It in turn caused us a lot of heartache, both families a lot of heartache and lot of money and effort in order for my husband to make this transaction work.

MR. IRIZARRY: I would like to say this is the first time I'm talking so if I'm out of line, just let me know, Biagini has a reputation for building houses and then later on, there's a problem, doesn't come back. I don't know, I bought the house as is, the problem 12 to \$14,000 problem, Spagnoli came over and he also told us that we had an engineer, Stephen Deutch, I don't know if you ever heard of him, when we initially were buying the house, he says there should be a drain, curtain drain in the back because if they ever decide to put anything up with the percolation rate the way it is at that time that we tested which was high, he said that there would be a problem with the water coming down and we would have a problem even in the future whether they build or not, he did advise that to us. And another thing is with as far as in the back where they propose this house, I have walked back there, he's the neighbor

that lives in front, I've walked back there, it's constantly mud, there's a septic problem in the other side of the house where black puddles are coming up, it's a constant problem that the ground cannot hold, it's moist all the time, he did the survey which I have here, this is his survey, right?

MRS. IRIZARRY: No, this is a small copy of the survey.

MR. IRIZARRY: He signed off on this and the septic isn't even where they showed it, they can bring another surveyor to make sure cause I really don't trust the survey, the mistake happened once, why couldn't it happen again and so I want somebody that has nothing to do with it, you can bring someone from the outside in to check this out with the percolation, right, I don't see how you can say that it's quality type of dirt because that's the worst, we have to constantly bring in dirt if we want to grow any plants, we have to constantly go out and buy dirt.

MR. PETRO: He's saying on the other side of the road where these other two houses are being shown that dirt is much different than what you're talking about but we're also concerned with your problem and later on what's going to happen there so I'm not belittling your problem.

MR. IRIZARRY: It's a big health issue with the septic.

MRS. IRIZARRY: I would personally like to see the Department of Health get involved and making sure that if he does have permission to build this home that they are involved to make sure these septic systems are all corrected and the one that he's built is actually built to spec and I also in addition to that I'd also like DEC, I have already contacted DEC to find out what constitutes a wetland, I have already received information and considering that he has not received his permit, I will put you on notice that I am going to be writing the DEC to come and survey the back of my land to confirm the fact that it's not a wetland.

MR. KEVIN MCPARTLAND: Kevin McPartland, I reside at 255 Toleman Road. I was here when the original plan

was drawn up and I was the one that mentioned the water problem in the workmanship that he did own, that's ridiculous. The town would probably tell you they have been out there and it washed the whole road right out, we had one rain and it washed the main road out because it was coming down so heavy out of there and the town came out, they had to blacktop and all the town did was put the stone back up so it can wash out again but like--

MR. PETRO: Curtain drains were never put in?

MR. MCPARTLAND: I don't know what justifies a curtain drain, but I believe it's got to be four foot wide by so many feet deep, this was four foot, okay, by a couple feet wide, this was maybe like this deep just scraped it with the backhoe and filled it in with stones.

MR. PETRO: Wasn't that bonded somewhere?

MR. BABCOCK: No, it's a private improvement on an individual lot, Jim, and, you know, it's not a permitted item, you know, you wouldn't get a building permit or any type of permit to put that in and, you know, if somebody does a subdivision that shows some type of private improvement on it and doesn't build that subdivision or that lot for ten years, you wouldn't know about it, I mean when they do a subdivision like this and they are going to build in the next couple months, you do remember certain things that they are supposed to do, it's the contractor's obligation to put in these curtain drains that are on these maps.

MR. PETRO: Is Mr. Biagini the owner of this other property?

MR. YANOSH: Yes.

MR. PETRO: I don't want to look at it anymore.

MR. LANDER: Just one question, Mike, was any of the work done in the town's right-of-way?

MR. BABCOCK: I'm not sure what this gentleman's talking about about this area that's 4 foot.

MR. MCPARTLAND: It's right between our two properties.

MR. BABCOCK: No, this is on their private property.

MR. LANDER: If it was in the town right-of-way, then the town could notify Mr. Biagini on notice that he did work in the town right-of-way, didn't have it inspected or anything, but as long as it's on private property then--

MR. BABCOCK: Ron, what they are saying is this map says proposed curtain drain to divert runoff away from lands of McPartland and what they are saying proposed curtain drain, what this gentleman is telling you is that they did put a ditch in here and filled it with stone which could be considered as curtain drain.

MS. HAAS: I have something else to say knowing the reputation Ed Biagini has with his building, something else I would like to bring up is in case you all don't know by now, Ed Biagini injured one of my children, his workers, not him, personally. He hired a gentleman who was intoxicated to come to my house to fix something that was on the list. If Ed is going to build a house on that road, I want some type of a fence put up. I want his worker's competent, not intoxicated. He also sent Vern Allen to my house, I don't know if you are familiar with Vern Allen with an oxygen tank to plaster my ceiling, this is the type of workers he has. If he is going to build these houses, I want competent workers.

MR. PETRO: What I am going to do is I'm not going to end the public hearing, I'm going to table this public hearing. Mr. Yanosh, I'm not closing this public hearing out, it's going to be tabled, you can inform Mr. Biagini that he's to be here at the next public hearing, whenever we resume it, we're not going to look at this any further. Mark, I guess what you can do in the meantime is you can check on some percolations at least and do a field visit with Mike. Obviously, if any of the members would like to go something out, I



think you should take a look.

MR. YANOSH: Give me a call.

MR. PETRO: Mr. Yanosh, I'm not trying to give you a hard time, the applicant has the right to build, but under the circumstances, this sounds like somebody hasn't completed what they are supposed to do so we're absolutely not going to review this which means no further subdivision, it's his right to take any legal action if he so chooses, but we're not going to review on a friendly basis, we'll not close out the public hearing and we're just going to leave it open. Mark, you can give me a list next time for the meeting and we're going to continue there, does everybody understand that?

MR. EDSALL: Jim, if we can get the people who spoke with their particular concerns before they leave, stop over and just give me their phone number, so if I do have any question, I have a way of getting ahold of you.

MR. COLESANTI: Will we be notified by mail?

MR. PETRO: Yes.

MS. HAAS: Will we be notified when the people come out to check the land?

MR. EDSALL: We'll probably try to contact you.

MR. PETRO: Give him your name and phone number, please. Mark, let's do it right now during the public hearing, all the members have an understanding we're not going to close the public hearing and we'll review it again with Mr. Biagini here and I want to have some concrete answers, Mr. Yanosh.

MR. LUCAS: Do you want it in a motion?

MR. PETRO: No, I don't think we need a motion.

MR. KRIEGER: Motion to table.

MR. LUCAS: Make a motion to table.

MR. LANDER: Second it.

MR. PETRO: Motion's been made and seconded that the Town of New Windsor Planning Board table the public hearing for the Highview Estates of Orange County, Inc. subdivision on Toleman Road, without date, they need to gather some information without date. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. STENT	AYE
MR. LUCAS	AYE
MR. LANDER	AYE
MR. PETRO	AYE

MR. PETRO: Public hearing will be reopened that will be published and you'll have a chance to come back here again. This time, I want somebody here to tell me what's going on by way of Mr. Biagini and also our engineer is going to have a list of comments and have some inspections under his belt so we know what's going on. Why don't you give them a piece of paper.

MR. EDSALL: I have it passed around. One question we might ask Dan before he leaves there was some correspondence, a copy of which went to the engineer and yourself from DEC relative to the driveways and they recommended that the drives be a common drive which of course isn't permitted in New Windsor, unless it's going to be a private road, if it wasn't a common drive, they were looking for a minimum space of 50 feet between them, has that been resolved on your plan?

MR. YANOSH: No, they haven't responded back to me on the initial plan, I looked at that too, you know, normally want them either common to minimize the disturbance, but if they want to move them 50 foot apart.

MR. EDSALL: Minimum separation of 50 feet or common

now I don't know if they mean by common if they are parallel to each other with a minor separation, but I would ask that this be resolved as soon as possible because I don't believe that the public or the board should be looking at a plan at a public hearing that in fact may change dramatically if the DEC requires it.

MR. YANOSH: Would you accept a common driveway?

MR. EDSALL: Cannot be a common driveway that they share the use of the traveled way because then it becomes a private road, but if they allow you to put two parallel driveways with a separation down the middle with landscaping or some type of median.

MR. YANOSH: So my correspondence to them will be either my only choice is to leave it the way it is or abide by the rules separated by 50 feet.

MR. EDSALL: As you have it now, so they may make you tighten it up a little bit, but those are your two choices, really.

MR. PETRO: One more comment before you leave, these curtain drains or drainage for this property it's obvious for me that they are causing the septic problems, sheet flow coming down just infiltrating into the septic problems, it's not going to go away, when you mention the curtain drains, I don't want to see a plan coming back before the board with just a curtain drain to the property line, I want to know where it's going to be and how it's going to empty, it's got to go somewhere. Hear what I'm saying? I don't want to see a curtain drain just to the edge of the property line, and it doesn't go anywhere, these drains have to.

MR. ARGENIO: You want to know the final disposition of the water?

MR. PETRO: Correct.

MR. EDSALL: We should also make sure that any proposed curtain drains have a detail of what's required as far as width, depth, material, if they have piping or not piping.

MR. PETRO: Only a suggestion. How many acres are left?

MR. YANOSH: Twenty-one.

MR. PETRO: It may be wise to figure out some drain that if that 21 acres is built on at some point, it's going to be able to handle that water. That may be putting the cart before the horse, but if not when you come back in for a further subdivision, they are all going to have to be ripped out and brought up to size.

MRS. IRIZARRY: I'm sorry, excuse me.

MR. PETRO: Public hearing's closed, make it very quick.

MRS. IRIZARRY: One item that our roof leaders draining into the property are all facing the septic system so that is an issue as well that can also be affecting.

MR. PETRO: That would help, that's not a planning board issue.

MRS. IRIZARRY: Concerning the drainage so wherever they are going to put the curtain drain.

MR. PETRO: You may be able to run the gutters, drains underground and take it away, I can only go so far, in reality, you're right, but I can only do so much.

MR. IRIZARRY: Bottom line we just want people to check him out if he wants to put up his house anyway he wants, but we want him to do it legitimately, everybody that's dealt with the gentleman in the past has continued to have the same problem.

MR. PETRO: Understand one thing if this man never comes here again now to further this subdivision we're never going to see him again and you're never going to hear from us, your battle at that point would be with the builder, maybe you wanted the DEC, I don't know what your policy will be, but we can only review this if he comes here again for further subdivision into the

property. It's obvious that tonight he's not getting anywhere until the problems are fixed with this board but if he doesn't come back here you're not going to hear from us.

MR. IRIZARRY: There's no way he can bypass this board?

MR. PETRO: Absolutely not.

MR. KRIEGER: No way he can bypass it in terms of getting further approvals for what has already happened it isn't a court, it can't be decided here, he can't be compelled to either adhere to a contract or found in violation or anything like that, as to what's already happened. What the chairman is saying is if he wants to go further with this subdivision application, or any other subdivision, then he has to come here and all roads lead through here, there's no way to get around it.

MRS. IRIZARRY: If he does not return, is there any type of statute of limitations that he has to meet or come back in or anything like that, does he have up until the day he dies to come back here and try to get approval?

MR. PETRO: Yes, he can always develop on his property, so this particular application may die a slow death, we don't know that.

MRS. IRIZARRY: Does it terminate, does it expire this application or stays open?

MR. PETRO: No, only if he had final approval, but he's not to that point, this is a minor subdivision, therefore, the Board of Health will not be involved with this.

MR. EDSALL: Correct.

MRS. IRIZARRY: We've contacted them.

MR. PETRO: I'm trying to make the point we're not going to, but what you do is your business.

MR. IRIZARRY: If you have 21 acres, why are you going to build this right on top of everybody else?

MR. PETRO: He's meeting his front yard setback, you can have a thousand acres if you meet your front yard setback which I believe is 40 feet, Mike?

MR. BABCOCK: I'm not sure.

MR. PETRO: Whatever that may be, I'm sure he's got it legal.

MR. YANOSH: Forty-five.

MR. PETRO: He can have 2,000 acres and if he has 45 feet back is where the first house can be, that's why he did that, that's the law. Good luck.

MR. YANOSH: Thank you.

RESULTS OF Z.B. MEETING OF: March 24, 1999

PROJECT: Highview Estates

P.B.# 99-2

**LEAD AGENCY:**

**NEGATIVE DEC:**

1. AUTHORIZE COORD LETTER: Y\_\_ N\_\_  
2. TAKE LEAD AGENCY: Y\_\_ N\_\_

M)\_\_\_ S)\_\_\_ VOTE: A\_\_ N\_\_  
CARRIED: YES\_\_ NO\_\_

M)\_\_\_ S)\_\_\_ VOTE: A\_\_ N\_\_  
CARRIED: YES\_\_ NO\_\_

WAIVE PUBLIC HEARING: M)\_\_\_ S)\_\_\_ VOTE: A\_\_ N\_\_ WAIVED: Y\_\_ N\_\_

SCHEDULE P.H. Y\_\_ N\_\_

SEND TO O.C. PLANNING: Y\_\_

SEND TO DEPT. OF TRANSPORTATION: Y\_\_

REFER TO Z.B.A.: M)\_\_\_ S)\_\_\_ VOTE: A\_\_ N\_\_

RETURN TO WORK SHOP: YES\_\_ NO\_\_

**APPROVAL:**

M)\_\_\_ S)\_\_\_ VOTE: A\_\_ N\_\_ APPROVED: \_\_\_\_\_

M)\_\_\_ S)\_\_\_ VOTE: A\_\_ N\_\_ APPROVED CONDITIONALLY: \_\_\_\_\_

NEED NEW PLANS: Y\_\_ N\_\_

**DISCUSSION/APPROVAL CONDITIONS:**

Mark's office to witness the Perk tests
Need contours on entire map.
show water flow
look into ponding water - Curtain drains not installed
Table Public Hearing - Ed Biagini to be at the
next meeting
Resolve the comments of D.E.C. re: driveways
Need detail of Curtain drains to be installed



**McGOEY, HAUSER and EDSALL**  
**CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.  
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**TOWN OF NEW WINDSOR  
PLANNING BOARD  
REVIEW COMMENTS**

**REVIEW NAME:** HIGHVIEW ESTATES MINOR SUBDIVISION  
**PROJECT LOCATION:** TOLEMAN ROAD  
SECTION 56-BLOCK 1-LOT 19.15  
**PROJECT NUMBER:** 99-2  
**DATE:** 13 JANUARY 1999  
**DESCRIPTION:** THE APPLICATION PROPOSES THE SUBDIVISION OF THE 41.2 +/- ACRE PARCEL INTO THREE (3) SINGLE-FAMILY RESIDENTIAL LOTS. THE PLAN WAS REVIEWED ON A CONCEPT BASIS ONLY.

1. Currently, this property "spans" Toleman Road. This application proposes the creation of three (3) lots, one (1) on the west side of Toleman Road and two (2) on the east side of Toleman Road.

The property is located within the R-1 Zoning District of the Town. The bulk information shown on the plan is correct for the zone and use group. The "provided" table should be expanded to include Lot 1 values. As well, "net" area values should be provided for each lot. Although this information is necessary for the record, it is apparent that each of the lots easily meet the minimum bulk requirements.

2. A NYSDEC Freshwater Wetlands Permit will be required for the crossing of the wetlands for the driveways of Lots 2 and 3.
3. The plan includes sanitary designs for Lots 2 and 3 (Lot 1 was included in the previous subdivision). The information appears acceptable on a preliminary basis, although final sanitary system design should be based on a minimum of two (2) percolation tests in the area of the disposal field and deep-pit soil test results. This additional information should be added to the subsequent plan submitted.



**TOWN OF NEW WINDSOR  
PLANNING BOARD  
REVIEW COMMENTS  
PAGE 2**

**REVIEW NAME:** HIGHVIEW ESTATES MINOR SUBDIVISION  
**PROJECT LOCATION:** TOLEMAN ROAD  
SECTION 56-BLOCK 1-LOT 19.15  
**PROJECT NUMBER:** 99-2  
**DATE:** 13 JANUARY 1999

4. The New York State Department of Environmental Conservation is an involved agency for this application. It is my recommendation that a copy of this initial plan be forwarded to NYSDEC, with a Lead Agency Coordination Letter, to begin the SEQRA review process.
5. The Planning Board should determine if a **Public Hearing** will be necessary for this **minor subdivision**, or if same can be waived per Paragraph 4.B of the Subdivision Regulations.
6. At such time that the Planning Board has made further review of this application, **further engineering reviews** and comments will be made, as deemed necessary by the Board.

Respectfully submitted,



Mark J. Edsall, P.E.  
Planning Board Engineer

MJEmk

A:HIGHVW.mk

-----X  
In the Matter of Application for Site Plan/Subdivision of

Applicant.

**0000**   **0001**   **0002**   **0003**   **0004**   **0005**   **0006**   **0007**   **0008**   **0009**   **0010**   **0011**   **0012**   **0013**   **0014**   **0015**   **0016**   **0017**   **0018**   **0019**   **0020**   **0021**   **0022**   **0023**   **0024**   **0025**   **0026**   **0027**   **0028**   **0029**   **0030**   **0031**   **0032**   **0033**   **0034**   **0035**   **0036**   **0037**   **0038**   **0039**   **0040**   **0041**   **0042**   **0043**   **0044**   **0045**   **0046**   **0047**   **0048**   **0049**   **0050**   **0051**   **0052**   **0053**   **0054**   **0055**   **0056**   **0057**   **0058**   **0059**   **0060**   **0061**   **0062**   **0063**   **0064**   **0065**   **0066**   **0067**   **0068**   **0069**   **0070**   **0071**   **0072**   **0073**   **0074**   **0075**   **0076**   **0077**   **0078**   **0079**   **0080**   **0081**   **0082**   **0083**   **0084**   **0085**   **0086**   **0087**   **0088**   **0089**   **0090**   **0091**   **0092**   **0093**   **0094**   **0095**   **0096**   **0097**   **0098**   **0099**

On 3/11/99, I compared the 42 addressed envelopes containing the attached Notice of Public Hearing with the certified list provided by the Assessor regarding the above application for ~~Site Plan~~/Subdivision and I find that the addressees are identical to the list received. I then mailed the envelopes in a U.S. Depository within the Town of New Windsor.

11<sup>th</sup> day of March, 1999

AFFIMAIL.PLB - DISC#1 P.B.

PLANNING BOARD : TOWN OF NEW WINDSOR  
COUNTY OF ORANGE : STATE OF NEW YORK

In the Matter of Application for ~~Site Plan~~/Subdivision of

Highview Estates

Applicant.

AFFIDAVIT OF  
SERVICE  
BY MAIL

STATE OF NEW YORK )  
 ) SS.:  
COUNTY OF ORANGE )

MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 67 Bathsheam Road, New Windsor, NY 12552.

On 3/11/99, I compared the 42 addressed envelopes containing the attached Agricultural District Notice with the certified list provided by the Assessor regarding the above application for ~~Site Plan~~ Subdivision and I find that the addressees are identical to the list received. I then mailed the envelopes in a U.S. Depository within the Town of New Windsor.

Myra L. Mason  
Myra L. Mason, Secretary for  
the Planning Board

Sworn to before me this

11<sup>th</sup> day of March, 1999

Deborah Green  
Notary Public

DEBORAH GREEN  
Notary Public, State of New York  
Qualified in Orange County  
# 4954065  
Commission Expires July 15, 1999



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (914) 563-4633  
Fax: (914) 563-4693

## Office of the Assessor for the Town

January 11, 1998

Mr. Daniel Yanosh  
P. O. Box 320  
Circleville, N. Y. 10919

**Re: Tax Parcel - Section 56 - Blk. 1 - Lot 19.15**

Dear Mr. Yanosh:

Please be advised that the attached list represents properties within five hundred (500) feet of the above-referenced property. However, parcels marked with one asterisk (\*) represent abutting and across the street parcels, and the parcels marked with two asterisks (\*\*) represent a parcel that is in the Agricultural District.

The charge for this service is \$55.00, minus your deposit of \$25.00.

Please remit the balance of \$30.00 to the Town Clerk's office.

Sincerely,

LESLIE COOK  
Sole Assessor

Attachments

cc: Myra Mason, Planning Board ✓

Akhtar H. Safder, Baby Varghese  
Abraham Thomas  
564 Quail Valley  
Princeton, WV 24740 ✓

Highland Operating Ltd.  
P. O. Box 479  
Washingtonville, N. Y. 10992 \* ✓

Highview Estates of Orange County, Inc.  
P. O. Box 457  
Washingtonville, N. Y. 10992 \* ✓

Richard P. Burke  
293 Toleman Road  
Washingtonville, N. Y. 10992 ✓

Peter & Flora Saltini  
% Noreen Ligotti  
357 Pin Oak Lane  
Westbury, N. Y. 11590 \* ✓

Kevin & Valerie McPartland  
255 Toleman Road  
Washingtonville, N. Y. 10992 \* ✓

Thomas & Stephanie Colesanti  
11 Cessna Drive  
Washingtonville, N. Y. 10992 ✓

Edmund & Eleanor Murphy  
29 Bull Road  
Washingtonville, N. Y. 10992 ✓

Joseph E. Rakowiecki  
151 Station Road  
Salisbury Mills, N. Y. 112577 \*\* ✓

Ronald R. & Kathryn A. Stringer  
287 Toleman road  
Washingtonville, N. Y. 10992 ✓

Barbara P. Perrone & Susan Giannico  
Trustees of Barbara P. Perrone Living Trust  
124 Bull Road  
Washingtonville, N. Y. 10992 ✓

Michael & Elaine Garguilo  
620 78th Street  
Brooklyn, N. Y. 11209 ✓

Richard & Norma Day  
420 W. 259th Street  
Bronx, N. Y. 10471 ✓

John Moynihan  
941 Bluewater Drive  
Indian Harbour Beach, FL 32937 ✓

Dennis M. & Jacqueline M. O'Leary  
215 Toleman Road  
Washingtonville, N. Y. 10992 ✓

Jay & Kathleen Kerry Byalick  
275 Toleman Road  
Washingtonville, N. Y. 10992 ✓

Anthony E. & Colleen A. Fayo  
380 Mt. Airy Road  
New Windsor, N. Y. 12553 ✓

William A. Sharp & Mary Jane Morse  
197 Toleman Road  
Washingtonville, N. Y. 10992 ✓

Myle Donker III  
69 Grand Street  
Newburgh, N. Y. 12550 ✓

JP & JP Associates, Inc.  
P. O. Box 7420  
Newburgh, N. Y. 12550 \* ✓

Bruce P. & Maria Custardoy Thomas  
191 Toleman road  
Washingtonville, N. Y. 10992 ✓

Mark S. & Kathleen B. Ridgeway  
15 Oak Hill Drive  
Rock Tavern, N. Y. 12575 \* ✓

Brian C. & Helen Flint  
231 Toleman Road  
Washingtonville, N. Y. 10992 \* ✓

Elyse S. Popovchak  
185 Toleman Road  
Washingtonville, N. Y. 10992 ✓

Andrea L. Speirs & Heather Hannah  
13 Oak Hill Drive  
Rock Tavern, N. Y. 12575 \* ✓

Anselmo Irizarry & Annette Simmons  
237 Toleman Road  
Washingtonville, N. Y. 10992 \* ✓

Angela Gardner & Guiseppe Bille  
5 Vineyard Lane  
Washingtonville, N. Y. 10992 ✓

Noreen & Gerald Fioriti  
P. O. Box 83, 11 Oak Hill Drive  
Rock Tavern, N. Y. 12575 ✓

Anthony J. Haas & Maureen Gallagher  
249 Toleman Road  
Washingtonville, N. Y. 10992 \* ✓

Raymond & Beth Minasi  
7 Vineyard Lane  
Washingtonville, N. Y. 10992 ✓

30

Consolidated Rail Corp.  
6 Penn Center Plaza  
Philadelphia, PA 19103 \*

Akhtar H. Safder, Baby Varghese  
Abraham Thomas  
564 Quail Valley  
Princeton, WV 24740 \*

Conrad & Linda Schobohm  
12 Vineyard Lane  
Washingtonville, N. Y. 10992

Kevin J. & Mary Lou Flanagan  
8 Vineyard Lane  
Washingtonville, N. Y 10992

Stanley & Cindy Cesark  
273 Toleman Road  
Washingtonville, N. Y. 10992

Samuel & Yolanda Martinez  
269 Toleman Road  
Washingtonville, N. Y 10992

Vincent & Jean Minuta  
259 Toleman Road  
Washingtonville, N. Y. 10992 \*

30  
7  
37 Mailed

5 Officials  
42  
Mailed Town Reps

7

*Daniel P. Yanosh*

LICENSED LAND SURVEYOR

2194 Route 302, P.O. Box 320  
Circleville, N.Y. 10919

Daniel P. Yanosh, L.L.S.  
Kevin J. Wild, L.L.S.

Tel: 914-361-4700  
Fax: 914-361-4722

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the PLANNING BOARD of the TOWN OF NEW WINDSOR, County of Orange, State of New York will hold a PUBLIC HEARING at Town Hall, 555 Union Avenue, New Windsor, New York on March 24, 1999 at 7:30 P.M. on the approval of the proposed 3 Lot Subdivision of Lands of Highview Estates of Orange County, Inc. located on Toleman Road (Section 56, Block 1, Lot 19.15). Map of the Subdivision of Lands is on file and may be inspected at the Planning Board Office, Town Hall, 555 Union Avenue, New Windsor, NY prior to the Public Hearing.

February 23, 1999

By Order of

TOWN OF NEW WINDSOR PLANNING BOARD

James R. Petro, Jr.

Chairman

99-2

AGRICULTURAL DISTRICT NOTICE

NOTICE IS HEREBY GIVEN that the PLANNING BOARD of the TOWN OF NEW WINDSOR, County of Orange, State of New York has before it an application for Subdivision Site Plan \_\_\_\_\_

for the proposed 3 LOT SUBDIVISION TO CREATE 2 NEW

(briefly describe project)

BUILDING LOTS FOR SINGLE FAMILY HOMES

As this project may be located within 500' of a farm operation located within an Agricultural District, the TOWN OF NEW WINDSOR is required to notify property owners of property containing a farm operation within this Agricultural District and within 500' of the proposed project.

Owner/Applicant HIGHVIEW ESTATES OF ORANGE CO.  
Name

Address: P.O. BOX 286  
SALISBURY MILLS, NY 12577

Project Location: 56 1 19.15  
Tax Map # Sec., Block, Lot

Street: TOLEMAN ROAD

A map of this project is on file and may be inspected at the Planning Board Office, Town Hall, 555 Union Avenue, New Windsor, N.Y.

Date: \_\_\_\_\_

TOWN OF NEW WINDSOR PLANNING BOARD

James R. Petro, Jr.,  
Chairman



IF APPLICABLE "XX"

\*\*This form to be completed only if you answer "yes" to question #9 on the application form.

AGRICULTURAL DATA STATEMENT

1. Name and Address of Applicant:

HIGHVIEW ESTATES OF ORANGE COUNTY

P.O. BOX 286, SALISBURY MILLS, NY 12577

2. Description of proposed project and its locations:

3 LOT SUBDIVISION ON THE EAST SIDE OF TOLEMAN RD.

3. Name and address of any owner of land within the Agricultural District: within 500'

JOSEPH E. RAKOWIECKI

151 STATION RD., SALISBURY MILLS, NY 12577

4. Name and address of any owner of land containing farm operations located within 500 feet of the boundary of the subject property.

5. A map is submitted herewith showing the site of the proposed project relative to the location of farm operations identified in this statement.



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK

2 February 1999

SUBJECT: HIGHVIEW ESTATES MINOR SUBDIVISION  
SECTION 56-BLOCK 1-LOT 19.15  
TOWN OF NEW WINDSOR, NEW YORK (P/B REF. NO. 99-2)

To All Involved Agencies:

The Town of New Windsor Planning Board has had placed before it an Application for a minor subdivision approval of the Highview Estates of Orange County, Inc. project located on the east side of Toleman Road, approximately 8,000 feet south of NYS Route 207, within the Town. The project involves the subdivision of a 41+ acre parcel into three (3) single-family residential lots. It is the opinion of the Town of New Windsor Planning Board that the action is an unlisted action under SEQRA.

This letter is written as a request for Lead Agency coordination as required under Part 617 of the Environmental Conservation Law.

A letter of response with regard to your interest in the position of Lead Agency, as defined by Part 617, Title 6 of the Environmental Conservation Law and the SEQRA Review Process, sent to the Town of New Windsor Planning Board, 555 Union Avenue, New Windsor, New York 12553, Attention: Mark J. Edsall, P.E., Planning Board Engineer (contact person), would be most appreciated. Should no other involved Agency desire the Lead Agency position, it is the desire of the Town of New Windsor Planning Board to assume such role. Should the Planning Board fail to receive a response requesting Lead Agency within thirty (30) days, it will be understood that you do not have an interest in the Lead Agency position.

Attached hereto is a copy of the preliminary minor subdivision plan, with location plan, for your reference. A copy of the Short Environmental Assessment Form submitted for the project is also included.

All Involved Agencies  
Highview Estates Minor Subdivision

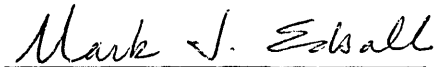
2

2 February 1999

Your attention in this matter would be most appreciated. Should you have any questions concerning this project, please do not hesitate to contact the undersigned at (914) 562-8640.

Very truly yours,

TOWN OF NEW WINDSOR PLANNING BOARD



MARK J. EDSALL, P.E.  
PLANNING BOARD ENGINEER

Enclosure

cc: NYS Department of Environmental Conservation, New Paltz  
NYS Department of Environmental Conservation, Albany  
New York State Parks, Recreation and Historic Preservation  
Town of New Windsor Town Clerk (w/o encl.)  
Applicant (w/o encl)  
Planning Board Chairman (w/o encl)  
Planning Board Attorney (w/o encl)

A:SEQRA126.dmr

RESULTS OF P.B. MEETING OF: *July 13, 1999*

**PROJECT:** Highview Estates **P.B.#** 99-2

**P.B.#** 99-2

**LEAD AGENCY:**

**NEGATIVE DEC:**

1. AUTHORIZE COORD LETTER: Y ☒ N ☐

M)\_\_\_ S)\_\_\_ VOTE: A \_\_\_ N \_\_\_

**2. TAKE LEAD AGENCY: Y\_\_\_ N\_\_\_**

CARRIED: YES\_\_\_NO\_\_\_

M)\_\_\_S)\_\_\_ VOTE: A\_\_\_N\_\_\_

CARRIED: YES NO

WAIVE PUBLIC HEARING: M)\_\_\_S)\_\_\_ VOTE: A\_\_\_N\_\_\_ WAIVED: Y\_\_\_N\_\_\_

SCHEDULE P.H. Y ✓ N   

SEND TO O.C. PLANNING: Y

SEND TO DEPT. OF TRANSPORTATION: Y

REFER TO Z.B.A.: M)\_\_\_S)\_\_\_ VOTE: A\_\_\_N\_\_\_

RETURN TO WORK SHOP: YES NO

**APPROVAL:**

M)    S)    VOTE: A    N    APPROVED:                     

M) S) VOTE: A N APPROVED CONDITIONALLY:

NEED NEW PLANS: Y        N       

**DISCUSSION/APPROVAL CONDITIONS:**

[illegible]

HIGHVIEW ESTATES SUBDIVISION (99-2) TOLEMAN ROAD

Mr. Daniel Yanosh appeared before the board for this proposal.

MR. PETRO: This application proposes subdivision of a 41.2 acre parcel into three single family residential lots. The plan was reviewed on concept basis only.

MR. YANOSH: Again, R-1 zone here on Toleman Road, Highview Estates of Orange County, this was a subdivision that was approved by this board in 1995, the four lots on the west side of the road and lot number 5 at the time was remaining parcel, we have proposed house on the back of there for lot number 5. Proposal today is to take the east side of the property, cut that into two building lots, remaining property would be on the west side of Toleman Road which we did have that formally approved house lot from the previous subdivision. Again, like Mark says, we do have some DEC wetlands on the property and we have a map saying that he's approved our flagging and have an application ready to go to the DEC to cross the wetlands in the buffer zone to put the driveway in. When I was out there with Lance last time, last spring, I discussed what we planned on doing at the time, he had no problem, just put in an application.

MR. PETRO: Can you point out the three lots?

MR. YANOSH: Lot number 1 would be the remaining one and that is the one that was approved before, this was their former subdivision, this was lot number 5 and we have lot number 2 which would be this lot right here and lot number 3 would be this one here.

MR. LUCAS: Lot number 1 is approved?

MR. YANOSH: Yes, it was an approved building lot that was the remaining property since the Town of New Windsor does not recognize a road as a subdividable piece of property.

MR. PETRO: How are we accessing lots 2 and 3?

MR. YANOSH: Driveways right next to each other coming in off Toleman Road, side by side, that way we minimize the disturbance to the DEC wetlands and buffer zone.

MR. LANDER: Does this conform to the new Town driveway spec as far as how far apart they should be, how close, Mark, did that, was that, was that code adopted for these driveways, the highway super had--

MR. EDSALL: Yes, he's adopted a detail and you're correct, that the final plan needs to have a copy of that detail on it. So, he's got standard permit details and notes.

MR. YANOSH: Is there separation distance?

MR. EDSALL: I don't believe that he's required a separation distance, he looks at the locations as part of his site plan or subdivision review and then he will just give you the standard details.

MR. PETRO: How is the perc up on the high side there?

MR. YANOSH: Up here?

MR. PETRO: No, on lots 2 and 3.

MR. YANOSH: We have some good percs, sheet number 2 shows we had 8 minute perc, 30 minute perc, we had some bad stuff in the front here along this AT&T right-of-way, some not so good spots, but the other one we have like Mark says, we do have a few more out there.

MR. PETRO: What's the length of the driveway?

MR. YANOSH: For the lot itself is 1,100 foot deep so we're probably looking at a 900 foot driveway.

MR. PETRO: That is not going to work, right?

MR. EDSALL: No, it's an individual driveway, so there's no--

MR. BABCOCK: Just a private road.

MR. PETRO: So, if we ever want to have a private road.

MR. ARGENIO: Just call it a driveway.

MR. LANDER: But you can only access one lot with the driveway.

MR. EDSALL: Right, so you're virtually limiting it to one house.

MR. PETRO: You're disturbing more than five acres, Mark, does he have to get a permit?

MR. EDSALL: Well, probably not disturbance area is not more than five acres.

MR. PETRO: Two lots combined.

MR. EDSALL: But it's not the size of lot, it's the actual area of disturbance, so you'd look at the driveway and the house site.

MR. PETRO: Even on a major subdivision that's how they figure that out?

MR. EDSALL: Yeah, it's 5 acres of disturbance, whereas on a site plan, it's easy to do because on a site plan your leveling the entire area and regrading it. In this, the only areas of disturbance are sanitary, house and driveway.

MR. PETRO: And the well you have a few square inches in there.

MR. EDSALL: Hopefully no swimming pools, because they usually put you over the limit.

MR. PETRO: We have to get the coordination letter out, Mark?

MR. EDSALL: I would, yes.

MR. PETRO: So authorized.

MR. STENT: So authorized.

MR. PETRO: And as far as public hearing, no, you have the wetlands around there, you have a lot of other homes, I think it's beneficial if we have a public hearing at this time. Obviously, you're not going to be building for a few months, so let's have the people come in, tell them where the water's running off and get everything straightened out, we'll have Mike tell Myra to schedule a public hearing, Myra, Mike and Mark so we're going to schedule a public hearing, does anybody object?

MR. STENT: No.

MR. ARGENIO: Perfectly reasonable.

MR. STENT: Because of the wetlands.

MR. PETRO: Anybody else object?

MR. LANDER: No, no objection.

MR. PETRO: Obviously, we should take lead agency.

MR. EDSALL: Well, the lead agency that will be after we get the letter out to DEC.

MR. PETRO: We can still schedule a public hearing even though we're sitting on the letter?

MR. EDSALL: I would think so.

MR. PETRO: Conceptually, does anyone have any problems with the layout?

MR. LUCAS: If they can live with the long driveways, I guess we can.

MR. PETRO: So, I guess we'll schedule a public hearing. In the meantime, if we get the letter out hopefully by 30 days, if we don't hear back anything, we can take lead agency at the next meeting. Thank you.



January 13, 1999

11

HIGHVIEW ESTATES SUBDIVISION (99-2) TOLEMAN ROAD

MR. EDSALL: Mr. Chairman, I got a call late this afternoon that Mr. Yanosh would be running somewhat late because he had another meeting to attend, maybe you can let him go forward at the end of the meeting, if he gets here.



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK

2 February 1999

SUBJECT: HIGHVIEW ESTATES MINOR SUBDIVISION  
SECTION 56-BLOCK 1-LOT 19.15  
TOWN OF NEW WINDSOR, NEW YORK (P/B REF. NO. 99-2)

To All Involved Agencies:

The Town of New Windsor Planning Board has had placed before it an Application for a minor subdivision approval of the Highview Estates of Orange County, Inc. project located on the east side of Toleman Road, approximately 8,000 feet south of NYS Route 207, within the Town. The project involves the subdivision of a 41+ acre parcel into three (3) single-family residential lots. It is the opinion of the Town of New Windsor Planning Board that the action is an unlisted action under SEQRA.

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All Involved Agencies  
Highview Estates Minor Subdivision

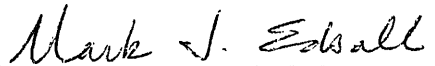
2

2 February 1999

Your attention in this matter would be most appreciated. Should you have any questions concerning this project, please do not hesitate to contact the undersigned at (914) 562-8640.

Very truly yours,

TOWN OF NEW WINDSOR PLANNING BOARD

  
\_\_\_\_\_  
MARK J. EDSALL, P.E.  
PLANNING BOARD ENGINEER

Enclosure

cc: NYS Department of Environmental Conservation, New Paltz  
NYS Department of Environmental Conservation, Albany  
New York State Parks, Recreation and Historic Preservation  
Town of New Windsor Town Clerk (w/o encl.)  
Applicant (w/o encl)  
Planning Board Chairman (w/o encl)  
Planning Board Attorney (w/o encl)

A:SEQRA126.dmr



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

## NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: \_\_\_\_\_

**99-2**

DATE PLAN RECEIVED: \_\_\_\_\_

**RECEIVED**

**AUG 14 2000**

**RECEIVED**

**AUG 18 2000**

**N.W. HIGHWAY DEPT.**

The maps and plans for the Site Approval \_\_\_\_\_

Subdivision \_\_\_\_\_ as submitted by

\_\_\_\_\_ for the building or subdivision of

\_\_\_\_\_ has been

reviewed by me and is approved \_\_\_\_\_,

disapproved \_\_\_\_\_.

If disapproved, please list reason ☒

*15" Culvert pipe must be installed in driveway*

*[Signature]*  
HIGHWAY SUPERINTENDENT

*8/22/2000*  
DATE

\_\_\_\_\_  
WATER SUPERINTENDENT

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SANITARY SUPERINTENDENT

\_\_\_\_\_  
DATE

## INTER-OFFICE CORRESPONDENCE

**TO:** Town Planning Board

**FROM:** Town Fire Inspector

**DATE:** August 18, 2000

**SUBJECT:** High View Estates

Planning Board Reference Number: PB-99-2

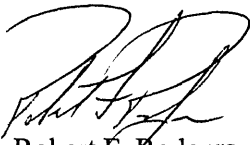
Dated: 14 August 2000

Fire Prevention Reference Number: FPS-00-036

A review of the above referenced 3-lot subdivision was conducted on 18 August 2000

This subdivision plan is acceptable.

Plans Dated: 25 May 2000 Revision 3



Robert F. Rodgers  
Fire Inspector

RFR/dh

New York State Department of Environmental Conservation  
Region 3, Division of Environmental Permits  
21 South Putt Corners Road, New Paltz, NY 12561-1696  
(914) 256-3000 FAX (914) 255-3042



John P. Cahill  
Commissioner

February 23, 1999

Mark Edsall, P.E.  
Town of New Windsor Planning Board  
555 Union Avenue  
New Windsor, NY 12553

RE: SEQR Lead Agency Designation  
Highview Estates Subdivision  
Town of New Windsor, Orange County  
DEC No. 3-3348-00193/00001

Dear Mr. Edsall:

We have reviewed the SEQR lead agency coordination request for the above-referenced project, which our office received on February 5, 1999.

Based on our review of the circulated documents, it appears that the project will require the following Department permits:

- **Article 24, Freshwater Wetlands Permit** - For the proposed driveway crossings of DEC-regulated Freshwater Wetland MB-27 (see copy of map enclosed). Based on a preliminary review of the plans you provided, DEC staff have indicated that a common driveway within the regulated area should be considered. If a common driveway cannot be approved, DEC staff have recommended that the driveways be separated by a minimum distance of 50 feet to ensure that wetlands are maintained between each driveway.

A State Pollutant Discharge Elimination System (SPDES) General Permit for the Discharge of Storm Water from Construction Activities (GP-93-06) also would be required if greater than five acres of land area will be disturbed by clearing, filling, grading, construction, or any other physical disturbance. The information you provided does not show the proposed limits of disturbance and, therefore, we cannot determine conclusively whether a SPDES Permit would be required. If a SPDES Permit is required, a Storm Water Pollution Prevention Plan would need to be prepared by the project sponsor in accordance with GP-93-06 and submitted for review concurrently with application for a Freshwater Wetlands Permit.

By copy of this letter, we are advising project representatives of the potential need for these permits. It is possible that the New York State Department of Environmental Conservation (DEC) permit requirements noted above may change based on additional information received or as project modifications occur.

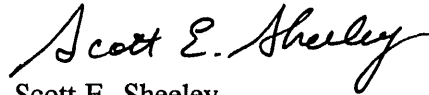
M.E.

Mr. Edsall; February 23, 1999  
Page 2

This letter also serves to confirm that we have no objection to the Town of New Windsor assuming lead agency status for this project.

If you have any questions pertaining to the Department's jurisdiction, or related matters, you may contact me at (914) 256-3050. Please refer to the DEC project number identified above in all correspondence to the Department.

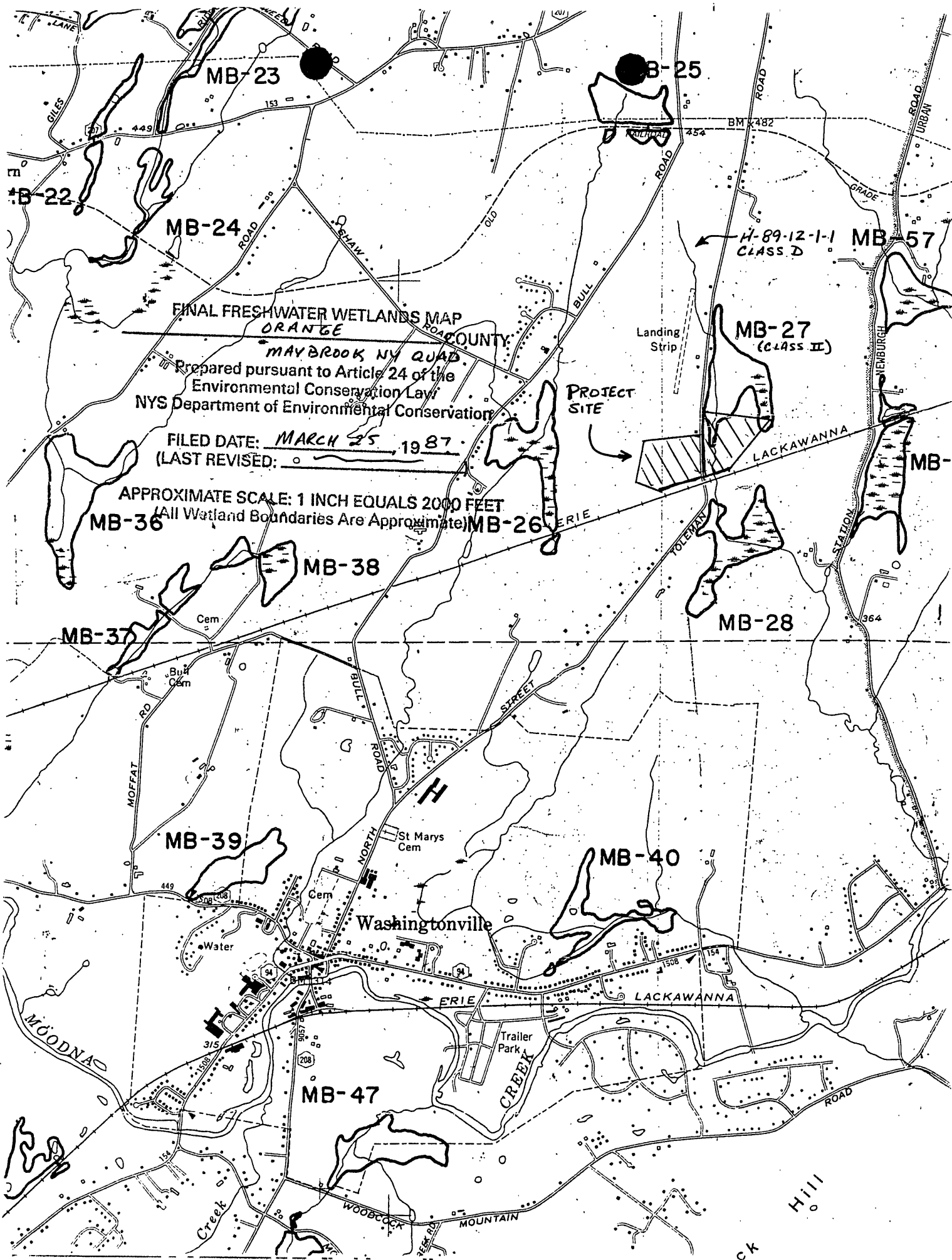
Sincerely,

A handwritten signature in black ink that reads "Scott E. Sheeley". The signature is written in a cursive style with a large, stylized 'S' and 'E'.

Scott E. Sheeley  
Environmental Analyst

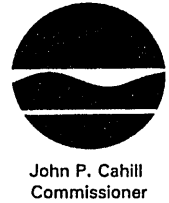
Enclosure

cc: High View Estates of Orange County, Inc. (w/enclosure)  
V. Erikson, P.E. (w/enclosure)  
D. Yanosh, L.S. (w/enclosure)





**New York State Department of Environmental Conservation**  
**Region 3, Division of Environmental Permits**  
21 South Putt Corners Road, New Paltz, NY 12561-1696  
(914) 256-3000 FAX (914) 255-3042  
Website: www.dec.state.ny.us



December 8, 1999

Daniel P. Yanosh  
P.O. Box 320  
Circleville, NY 10919

RE: Application for Freshwater Wetlands Permit  
Highview Estates Subdivision  
Town of New Windsor, Orange County  
DEC Application #3-3348-00193/00001

Dear Mr. Yanosh:

The New York State Department of Environmental Conservation (DEC ) has reviewed the information provided in your letter dated November 8, 1999 regarding the above-referenced permit application. As outlined in my Second Notice of Incomplete Application to you dated October 19, 1999, the application remains incomplete. Specifically, the requirements of the State Environmental Quality Review Act (SEQR) must be met, and the limits of disturbance must be provided for proposed Lot Number 1.

With respect to the adequacy of the Phase I Cultural Resources Survey you provided in October, a copy of the survey and project plans have been forwarded to the Office of Parks, Recreation, and Historic Preservation (OPRHP) for their review. I have requested their determination on the adequacy of the survey, and the need for additional survey west of Toleman Road. When I receive their determination, I will forward a copy of it to you.

In addition, DEC staff have determined that the proposed locations and spacing of the driveways would result in the fewest impacts to the regulated wetland and 100-foot adjacent area, and that wetland impacts will be minimized to the maximum extent practicable. However, Lance Kolts, DEC Bureau of Habitat, has recommended that compensatory mitigation be provided for the wetland losses that will occur. Specifically, two recommendations have been made that could provide the necessary mitigation: removal of fill placed along the east side of Toleman Road on proposed Lot Number 2 across from Lands of Irizarry, or the creation of more wetland area along the stream corridor on proposed Lot Number 3. Incorporating either recommendation into the plan would offset impacts to Freshwater Wetland MB-27. Please contact Mr. Kolts (telephone 914-256-3062) to discuss the details of the required mitigation.

If you have any questions, please call me at (914) 256-3050.

Sincerely,

Scott E. Sheeley  
Environmental Analyst

cc: L. Kolts, DEC Region 3  
Town of New Windsor Planning Board  
Highview Estates of Orange County, Inc.

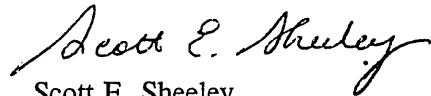
M.E.

Mr. Yanosh; October 19, 1999  
Page 2

Please submit three copies of the requested materials to my attention. With respect to Item No. 1, the DEC will be able to notify the Town Planning Board when the other issues of concern to DEC (*i.e.*, Items 2 and 3) have been adequately addressed, and that DEC review may proceed pending the Town Planning Board's fulfillment of SEQR requirements. Until that time, no further action can be taken on your application until all the materials are received.

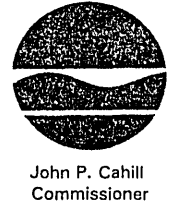
If you have any questions, please call me at (914) 256-3050.

Sincerely,



Scott E. Sheeley  
Environmental Analyst

cc: L. Kolts, DEC Region 3  
Town of New Windsor Planning Board  
Highview Estates of Orange County, Inc.



October 19, 1999

Daniel P. Yanosh  
P.O. Box 320  
Circleville, NY 10919

RE: Application for Freshwater Wetlands Permit  
Highview Estates Subdivision  
Town of New Windsor, Orange County  
DEC Application #3-3348-00193/00001

SECOND NOTICE OF INCOMPLETE APPLICATION

Dear Mr. Yanosh:

The New York State Department of Environmental Conservation (DEC ) has reviewed your permit application re-submission for the above-referenced project on behalf of the High View Estates of Orange County, Inc. that we received October 4, 1999.

The application materials you submitted do not adequately address the issues raised in our first Notice of Incomplete Application dated March 23, 1999. Specifically, the following items remain to be addressed:

1. The Town of New Windsor Planning Board, as lead agency under the State Environmental Quality Review (SEQR) must issue a Negative Declaration or accept a Draft Environmental Impact Statement (DEIS). When available, a copy of the Negative Declaration or accepted DEIS must be submitted to the Department.
2. The Phase I cultural resources survey prepared by Stephen J. Oberon does not appear to have investigated the entire project area. While the site description provided in the report identifies the site as covering 41 acres, the site maps and narrative indicate that only the portion of the site east of Toleman Road was surveyed. This is inconsistent with the project boundaries and project area provided on the project plans, which show one proposed house and lot (Lot No. 1) on the west side of Toleman Road. The Phase I cultural resource survey must also address the portion of the project area located west of Toleman Road.
3. The limits of disturbance line is not shown on proposed Lot Number 1. Please revise the plan to show the limits of disturbance on proposed Lot Number 1. The amount of disturbed area on Lot Number 1 must be added to the total area of disturbance for the purpose of determining whether the project requires compliance with the State Pollutant Discharge Elimination System (SPDES) General Permit for Storm Water Discharges from Construction Activities.

New York State Department of Environmental Conservation  
Region 3, Division of Environmental Permits  
21 South Putt Corners Road, New Paltz, NY 12561-1696  
(914) 256-3000 FAX (914) 255-3042



March 23, 1999

Daniel P. Yanosh  
P.O. Box 320  
Circleville, NY 10919

RE: Application for Freshwater Wetlands Permit  
Highview Estates Subdivision  
Town of New Windsor, Orange County  
DEC Application #3-3348-00193/00001

NOTICE OF INCOMPLETE APPLICATION

Dear Mr. Yanosh:

Our Department has reviewed the application you submitted on behalf of Highview Estates of Orange County, Inc. for a three-lot subdivision located off Toleman Road in the Town of New Windsor, Orange County. We have determined that the application is incomplete. Please provide the following additional information:

1. The lead agency conducting the State Environmental Quality Review (SEQR), presumably the Town of New Windsor Planning Board, must issue a Negative Declaration or accept a Draft Environmental Impact Statement (DEIS). When available, a copy of the Negative Declaration or accepted DEIS must be submitted to the Department.
2. The project site is located near recorded archaeological resources. Absent documentation of substantial ground disturbance, a cultural resources survey is required for the entirety of all three proposed lots. The survey is required for the Department to comply with the requirements of the State Historic Preservation Act (SHPA). Enclosed are instructional materials to assist you in having the survey prepared by a qualified archaeologist. If archaeological resources are found on the site, the Department must evaluate the proposed projects' impacts on such resources before further action can be taken on your application.
3. An analysis of alternatives to the driveways proposed on Lot Numbers Two and Three. The analysis should consider the use of a common driveway and the use of two driveways separated by at least 50 feet, as recommended in our letter to the Town of New Windsor Planning Board dated February 23, 1999 (see enclosed copy). If appropriate, the analysis should state why the current proposal is the only practicable alternative. Otherwise the proposed project should be revised to incorporate the practicable alternative resulting in the least loss of wetland area and function. Be advised that mitigation measures may be required for wetland losses in accordance with

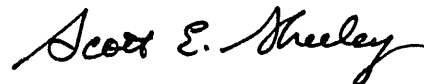
Freshwater Wetlands Permit Requirements Regulations (6 NYCRR Part 663), and in consultation with Lance Kolts of the DEC Bureau of Habitat.

4. A revised site plan with a line showing the proposed limits of disturbance. Disturbance includes clearing of vegetation, construction activities, and landscaping. This line must be developed to avoid or minimize impacts to the wetland.
5. Calculation of the total area within the proposed limits of disturbance. If greater than five acres of land will be disturbed, a State Pollutant Discharge Elimination System (SPDES) for Storm Water Discharges from Construction Activities will be required. If a SPDES permit is required, storm water pollution prevention plan must be prepared and submitted in conformance with General Permit GP-93-06. Authorization for coverage under the SPDES general permit is only granted by the DEC after approval of the storm water pollution prevention plan.

Please submit three copies of the requested materials to my attention. No further action can be taken on your application until all the materials are received.

If you have any questions, please call me at (914) 256-3050.

Sincerely,



Scott E. Sheeley  
Environmental Analyst

Enclosures

cc: L. Kolts, DEC Region 3  
V. Erikson  
Town of New Windsor Planning Board  
Highview Estates of Orange County, Inc.



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

## NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 99 - 2

DATE PLAN RECEIVED: RECEIVED JAN 11 1999

The maps and plans for the Site Approval \_\_\_\_\_

Subdivision \_\_\_\_\_ as submitted by

\_\_\_\_\_ for the building or subdivision of

HIGH VIEW ESTATES has been

reviewed by me and is approved \_\_\_\_\_

disapproved \_\_\_\_\_

If disapproved, please list reason \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

HIGHWAY SUPERINTENDENT \_\_\_\_\_ DATE \_\_\_\_\_

WATER SUPERINTENDENT \_\_\_\_\_ DATE \_\_\_\_\_

J. R. Egan 1/20/99  
SANITARY SUPERINTENDENT \_\_\_\_\_ DATE \_\_\_\_\_



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

## NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 99 - 2

DATE PLAN RECEIVED: RECEIVED JAN 11 1999

The maps and plans for the Site Approval \_\_\_\_\_

Subdivision \_\_\_\_\_ as submitted by

\_\_\_\_\_ for the building or subdivision of

Hill view Estate \_\_\_\_\_ has been

reviewed by me and is approved ☒

~~disapproved~~ \_\_\_\_\_.

If ~~disapproved~~, please list reason \_\_\_\_\_

No town water in this area

HIGHWAY SUPERINTENDENT \_\_\_\_\_ DATE \_\_\_\_\_

Steve D. D. 1-12-99  
WATER SUPERINTENDENT \_\_\_\_\_ DATE \_\_\_\_\_

SANITARY SUPERINTENDENT \_\_\_\_\_ DATE \_\_\_\_\_

INTER OFFICE CORRESPONDENCE

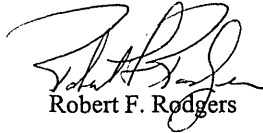
TO: Town Planning Board  
FROM: Town Fire Inspector  
SUBJECT: Highview Estates of Orange County  
DATE: 12 January 1999

Planning Board Reference Number: PB-99-02  
Dated: 11 January 1999  
Fire Prevention Reference Number: FPS: 99-002

A review of the above referenced subject subdivision plan was conducted on 11 January 1999.

This subdivision plan is acceptable.

Plans Dated: 21 December 1998, Revision 1



Robert F. Rodgers





1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

## NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 99 - 2

DATE PLAN RECEIVED: RECEIVED JAN 11 1999

RECEIVED

JAN 11 1999

N.W. HIGHWAY DEPT.

The maps and plans for the Site Approval \_\_\_\_\_

Subdivision ✓ \_\_\_\_\_ as submitted by

\_\_\_\_\_ for the building or subdivision of

\_\_\_\_\_ has been

reviewed by me and is approved ✓ \_\_\_\_\_,

disapproved \_\_\_\_\_.

If disapproved, please list reason \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

W. James C. [Signature] 1/11/99  
HIGHWAY SUPERINTENDENT DATE

\_\_\_\_\_  
WATER SUPERINTENDENT DATE

\_\_\_\_\_  
SANITARY SUPERINTENDENT DATE



McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.  
JAMES M. FARR, P.E.

- ☐ Main Office  
45 Quassaick Ave. (Route 9W)  
New Windsor, New York 12553  
(914) 562-8640
- ☐ Branch Office  
507 Broad Street  
Millford, Pennsylvania 18337  
(717) 296-2765

PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE

TOWN/VILLAGE OF New Windsor P/B # 99 - 2  
WORK SESSION DATE: 6 Jan 99 APPLICANT RESUB.  
REQUIRED: need plans  
REAPPEARANCE AT W/S REQUESTED: no  
PROJECT NAME: Highview Estates  
PROJECT STATUS: NEW ☒ OLD ☐  
REPRESENTATIVE PRESENT: Jan Yanoik  
MUNIC REPS PRESENT: BLDG INSP. ☐  
FIRE INSP. ☒  
ENGINEER ☒  
PLANNER ☐  
P/B CHMN. ☐  
OTHER (Specify) local

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

- Shaw Rd - near Liberty School  
- needs variance for lot width  
per 1996 definition change.

CLOSING STATUS

☐ Set for agenda  
☒ possible agenda item need plans  
☐ Discussion item for agenda  
☐ ZBA referral on agenda

pbwsform 10MJ98



McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.  
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(717) 296-2765

PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE

TOWN/VILLAGE OF

New Windsor

P/B #

99 - 2

WORK SESSION DATE:

6 Jan 99

APPLICANT RESUB.  
REQUIRED:

need plans

REAPPEARANCE AT W/S REQUESTED:

No

PROJECT NAME:

Highview <sup>Estate</sup> Subdiv

PROJECT STATUS: NEW

X

OLD

REPRESENTATIVE PRESENT:

Am Yarrow

MUNIC REPS PRESENT: BLDG INSP.

FIRE INSP.

X

ENGINEER

X

PLANNER

P/B CHMN.

OTHER (Specify)

Lucar

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

- Ed Biegen

- 3 lot subdiv

- needs DEC permit for wetlands

CLOSING STATUS

Set for agenda

X possible agenda item need plans

Discussion item for agenda

ZBA referral on agenda

pbwsform 10MJE98



# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553  
Telephone: (914) 563-4615  
Fax: (914) 563-4693

## PLANNING BOARD APPLICATION

### TYPE OF APPLICATION (check appropriate item):

Subdivision ☒ Lot Line Change \_\_\_\_\_ Site Plan \_\_\_\_\_ Special Permit \_\_\_\_\_

Tax Map Designation: Sec. 56 Block 1 Lot 19.15

1. Name of Project 3 LOT SUBDIVISION - LANDS OF H/W VIEW ESTATES OF ORANGE COUNTY INC.

2. Owner of Record H/W VIEW ESTATES OF ORANGE COUNTY INC Phone 496-4124

Address: P.O. BOX 286 SAUSBURY MILLS NY 12577  
(Street Name & Number) (Post Office) (State) (Zip)

3. Name of Applicant SAME Phone \_\_\_\_\_

Address: \_\_\_\_\_  
(Street Name & Number) (Post Office) (State) (Zip)

4. Person Preparing Plan DANIEL P. YAMOSH Phone 361-4700

Address: 2194 NYS RT 302 - P.O. BOX 320 CIRCLEVILLE NY 10919  
(Street Name & Number) (Post Office) (State) (Zip)

5. Attorney NONE Phone \_\_\_\_\_

Address: \_\_\_\_\_  
(Street Name & Number) (Post Office) (State) (Zip)

6. Person to be notified to appear at Planning Board meeting:

DANIEL P. YAMOSH 361-4700  
(Name) (Phone)

7. Project Location:

On the EAST side of TOLEMAN ROAD 8,000 feet  
(Direction) (Street) (No.)  
SOUTH of NYS ROUTE 207  
(Direction) (Street)

8. Project Data: Acreage 41.23 Zone R-1 School Dist. WASHINGTON-TOWN VILLAGE

9. Is this property within an Agricultural District containing a farm operation or within 500 feet of a farm operation located in an Agricultural District? Yes X No ~~/~~

\*This information can be verified in the Assessor's Office.

\*If you answer "yes" to question 9, please complete the attached "Agricultural Data Statement".

10. Description of Project: (Use, Size, Number of Lots, etc.) CREATE 2 NEW  
BUILDING LOTS FOR SINGLE FAMILY HOMES - 9.04 ±  
10.90 ACRE LOTS

11. Has the Zoning Board of Appeals Granted any Variances for this property? yes \_\_\_ no X

12. Has a Special Permit previously been granted for this property? yes \_\_\_ no X

ACKNOWLEDGMENT:

IF THIS ACKNOWLEDGMENT IS COMPLETED BY ANYONE OTHER THAN THE PROPERTY OWNER, A SEPARATE NOTARIZED STATEMENT OR PROXY STATEMENT FROM THE OWNER MUST BE SUBMITTED, AT THE TIME OF APPLICATION, AUTHORIZING THIS APPLICATION.

STATE OF NEW YORK)

SS.:

COUNTY OF ORANGE)

THE UNDERSIGNED APPLICANT, BEING DULY SWORN, DEPOSES AND STATES THAT THE INFORMATION, STATEMENTS AND REPRESENTATIONS CONTAINED IN THIS APPLICATION AND SUPPORTING DOCUMENTS AND DRAWINGS ARE TRUE AND ACCURATE TO THE BEST OF HIS/HER KNOWLEDGE AND/OR BELIEF. THE APPLICANT FURTHER ACKNOWLEDGES RESPONSIBILITY TO THE TOWN FOR ALL FEES AND COSTS ASSOCIATED WITH THE REVIEW OF THIS APPLICATION.

SWORN BEFORE ME THIS:

6<sup>th</sup> DAY OF January 19 99

[Signature]  
APPLICANT'S SIGNATURE

[Signature]  
NOTARY PUBLIC

LETA L. JAGIELSKI  
Notary Public, State of New York  
Residing in Orange County  
Commission Expires April 30, 1999

EDWARD BIAGINI  
Please Print Applicant's Name as Signed

TOWN USE ONLY:

RECEIVED JAN 11 1999  
DATE APPLICATION RECEIVED

99 - 2  
APPLICATION NUMBER

**APPLICANT/OWNER PROXY STATEMENT**  
**(for professional representation)**

for submittal to the:  
TOWN OF NEW WINDSOR PLANNING BOARD

EDWARD BIAWINI, deposes and says that he resides  
(OWNER)

at P.O. BOX 286, SAUSBURY MILLS in the County of ORANGE  
(OWNER'S ADDRESS)

and State of NEW YORK and that he is the owner of property tax map

(Sec. \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_)  
designation number (Sec. 56 Block 1 Lot 19.15) which is the premises described in

the foregoing application and that he authorizes:

\_\_\_\_\_  
(Applicant Name & Address, if different from owner)

DANIEL P. YAMOSH L.L.S. P.O. BOX 320 CIRCLEVILLE NY 10919  
(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date: January 6, 1999

Anna L. Jagielski  
Witness' Signature

[Signature]  
Owner's Signature

\_\_\_\_\_  
Applicant's Signature if different than owner

[Signature]  
Representative's Signature

**THIS FORM CANNOT BE WITNESSED BY THE PERSON OR  
REPRESENTATIVE OF THE COMPANY WHO IS BEING AUTHORIZED  
TO REPRESENT THE APPLICANT AND/OR OWNER AT THE MEETINGS.**

PROJECT I.D. NUMBER

617.21

SEQR

Appendix C

State Environmental Quality Review  
**SHORT ENVIRONMENTAL ASSESSMENT FORM**  
 For UNLISTED ACTIONS Only

**PART I—PROJECT INFORMATION** (To be completed by Applicant or Project sponsor)

1. APPLICANT/SPONSOR <u>DAVID P. YALOWSKY, L.L.S.</u>	2. PROJECT NAME <u>3 LOT SUBDIVISION - LANDS OF HIGHVIEW ESTATES OF ORANGE COUNTY</u>
3. PROJECT LOCATION: Municipality <u>T/O NEW WINDSOR</u> County <u>ORANGE</u>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <u>EAST SIDE OF TOLEMAN ROAD, JUST NORTH OF TRAIN TRACKS. 8,000 FT E SOUTH OF N.Y.S. RT 207.</u>	
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input checked="" type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <u>SUBDIVIDE 2 RESIDENTIAL LOTS FOR SINGLE FAMILY HOMES FROM EAST SIDE OF PROPERTY. REMAINING LAND ON WEST SIDE OF TOLEMAN ROAD, NOT TO BE DEVELOPED AT THIS TIME</u>	
7. AMOUNT OF LAND AFFECTED: Initially <u>41.23</u> acres    Ultimately <u>41.23</u> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No    If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No    If yes, list agency(s) and permit/approvals <u>N.Y.S. DEC. WETLANDS CROSSING</u>	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <u>DAVID P. YALOWSKY</u>	Date: <u>1/9/99</u>
Signature: <u>[Signature]</u>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

1

99 - 2

**PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)**

<b>A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, coordinate review process and use the FULL EAF.
<b>B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	If No, a negative declaration may be superseded by another involved agency.
<b>C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)</b> C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:          C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:          C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:          C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:          C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:          C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:          C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:          	
<b>D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No    If Yes, explain briefly	

**PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

<input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which <b>MAY</b> occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action <b>WILL NOT</b> result in any significant adverse environmental impacts <b>AND</b> provide on attachments as necessary, the reasons supporting this determination:	
<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/>	
Name of Lead Agency	
<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/>	<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/>
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/>	<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/>
Signature of Responsible Officer in Lead Agency	Signature of Preparer (If different from responsible officer)
<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/>	
Date	



**TOWN OF NEW WINDSOR PLANNING BOARD  
SUBDIVISION/LOT LINE CHANGE CHECKLIST**

The following checklist items shall be incorporated on the Subdivision Plan prior to consideration for being placed on the Planning Board Agenda:

1.   X   Name and address of Applicant.
- \* 2.   X   Name and address of Owner.
3.   X   Subdivision name and location
4.   X   **Provide 4" wide X 2" high box directly above title block preferably lower right corner) for use by Planning Board in affixing Stamp of Approval.  
(ON ALL PAGES OF SUBDIVISION PLAN)**
5.   X   Tax Map Data (Section, Block & Lot).
6.   X   Location Map at a scale of 1" = 2,000 ft.
7.   X   Zoning table showing what is required in the particular zone and what applicant is proposing.
8.   X   Show zoning boundary if any portion of proposed subdivision is within or adjacent to a different zone.
9.   X   Date of plat preparation and/or date of any plat revisions.
10.   X   Scale the plat is drawn to and North arrow.
11.   X   Designation (in title) if submitted as sketch plan, preliminary plan or final plan.
12.   X   Surveyor's certificate.
13.   X   Surveyor's seal and signature.
14.   X   Name of adjoining owners.
15.   X   Wetlands and 100 foot buffer zone with an appropriate note regarding DEC requirements.
- \* 16.   None   Flood land boundaries.
17.   X   A note stating that the septic system for each lot is to be designed by a licensed professional before a building permit can be issued.
18.   X   Final metes and bounds.

19. X Name and width of adjacent streets; road boundary is to be a minimum of 25 ft. from the physical center line of the street.
20. X Include existing or proposed easements.
21. X Right-of-way widths.
22. N/A Road profile and typical section (minimum traveled surface, excluding shoulders, is to be 16 ft. wide).
23. X Lot area (in square feet for each lot less than 2 acres).
24. X Number the lots including residual lot.
25. X Show any existing waterways.
- \*26. N/A A note stating a road (or any other type) maintenance agreement is to be filed in the Town Clerk's Office and County Clerk's Office.
27. 10 Applicable note pertaining to owners' review and concurrence with plat together with owners' signature.
28. X Show any existing or proposed improvements, i.e., drainage systems, water lines, sewer lines, etc. (including location, size and depths).
29. X Show all existing houses, accessory structures, existing wells and septic systems within 200 ft. of the parcel to be subdivided.
30. X Show all and proposed on-site "septic" system and well locations; with percolation and deep test locations and information, including date of test and name of professional who performed test.
31. X Provide "septic" system design notes as required by the Town of New Windsor.
32. P Show existing grade by contour (2 ft. interval preferred) and indicate source of contour data.
33. N/A Indicate percentage and direction of grade.
34. X Indicate any reference to previous, i.e., file map date, file map number and previous lot number.
35. N/A Indicate location of street or area lighting (if required).

**REFERRING TO QUESTION 9 ON THE APPLICATION FORM, "IS THIS PROPERTY WITHIN AN AGRICULTURAL DISTRICT CONTAINING A FARM OPERATION OR WITHIN 500 FEET OF A FARM OPERATION LOCATED IN AN AGRICULTURAL DISTRICT, PLEASE NOTE THE FOLLOWING:**

36. \_\_\_\_\_ Referral to Orange County Planning Dept. is required for all applicants filing AD Statement.
37. \_\_\_\_\_ A disclosure Statement, in the form set below, must be inscribed on all subdivision maps prior to the affixing of a stamp of approval, whether or not the Planning Board specifically requires such a statement as a condition of approval.

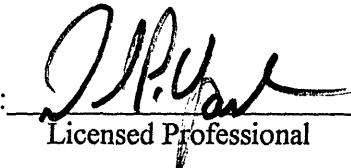
"Prior to the sale, lease, purchase, or exchange of property on this site which is wholly or partially within or immediately adjacent to or within 500 feet of a farm operation, the purchaser or leaser shall be notified of such farm operation with a copy of the following notification.

It is the policy of this State and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district or within 500 feet of such a district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors.

This list is provided as a guide only and is for the convenience of the Applicant. The Town of New Windsor Planning Board may require additional notes or revisions prior to granting approval.

***PREPARER'S ACKNOWLEDGMENT:***

THE PLAT FOR THE PROPOSED SUBDIVISION HAS BEEN PREPARED IN ACCORDANCE WITH THIS CHECKLIST AND THE TOWN OF NEW WINDSOR ORDINANCES, TO THE BEST OF MY KNOWLEDGE.

BY:  \_\_\_\_\_  
Licensed Professional Date 1/7/99



# D.E.C. WETLANDS NOTES

1. ANY PROPOSED CONSTRUCTION, GRADING, FILLING, EXCAVATING, CLEARING OR OTHER REGULATED ACTIVITY WITHIN THE FRESHWATER WETLAND OR ADJACENT 100 FEET BUFFER AREA REQUIRES A PERMIT FROM THE NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION UNDER ARTICLE 24 OF THE ENVIRONMENTAL CONSERVATION LAW (FRESHWATER WETLANDS ACT) PRIOR TO COMMENCEMENT OF WORK.
2. HAY BALES ARE TO BE PLACED AS SHOWN ON THE PLAN PRIOR TO ANY WORK BEING COMMENCED IN THE WETLAND AREA. THE HAY BALES ARE TO REMAIN UNTIL ALL CONSTRUCTION IS COMPLETE AND ALL SEDIMENTATION SETTLES.
3. AREA OF DISTURBANCE THROUGH THE WETLAND AND BUFFER ZONE AREA IS TO BE LIMITED TO 25 FEET WIDE. ALL PRECAUTIONS WILL BE TAKEN TO LIMIT DISTURBANCE IN THIS AREA.
4. AREA OF DISTURBANCE THROUGH THE WETLAND AND BUFFER ZONE AREA IS 0.35 ± ACRES.
5. TOTAL AREA OF DISTURBANCE ON BOTH LOTS TOTAL 2.54 ACRES.
6. THE FILL AND DEBRIS ALONG TOLEMAN ROAD IN FRONT OF LOT # 2 IS TO BE REMOVED. THE AREA IS TO BE REGRADED AND SEEDED TO MATCH THE ORIGINAL GROUND (PRIOR TO THE PLACEMENT OF THE FILL). SEEDING TO BE DONE AS PER THE SPECIFICATIONS LISTED ON SHEET 2 OF 2.
7. DEC PERMIT # 3-3348-00193/00001 HAS BEEN ACQUIRED FROM THE NYS DEC. ON JANUARY 19, 2001, TO CONSTRUCT THE TWO RESIDENTIAL DRIVEWAYS, AND REMOVE APPROXIMATELY 10,000 SQUARE FEET OF FILL ON LOT # 2, AS SHOWN ON THESE PLANS BELOW.

## NYSDEC FRESHWATER WETLAND BOUNDARY VALIDATION

The freshwater wetland boundary as represented on these plans accurately depicts the limits of Freshwater Wetland MB - 27 as delineated by LANCE KOLTS on MAY 27, 1998.

DEC Staff: LANCE KOLTS Surveyor/engineer: DANIEL P. YANOSH L.S.

Date: 11 / 9 / 98 SEAL

Wetland boundary as validated by DEC remains valid for three years from date of flagging or revalidation. For official use of the wetland boundary after this three year period, the boundary must be revalidated by DEC staff. This may include re-flagging and survey of the wetland boundary if changes are noted.

Any proposed construction, grading, filling, excavating, clearing or other regulated activity in the freshwater wetland or within 100 feet of the wetland boundary as depicted on this plan requires a permit from the NYS Department of Environmental Conservation under Article 24 of the Environmental Conservation Law (Freshwater Wetlands Act) prior to commencement of work.

AN ORIGINAL SIGNED AND STAMPED COPY IS ON FILE WITH THE TOWN OF NEW WINDSOR PLANNING BOARD



LOCATION MAP  
SCALE: 1" = 2000'

### NOTES

1. CERTIFICATIONS INDICATED HEREON SIGNIFY THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE FOR LAND SURVEYORS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS. SAID CERTIFICATIONS SHALL RUN ONLY TO THOSE NAMED INDIVIDUALS AND/OR INSTITUTIONS FOR WHOM THE SURVEY IS PREPARED. CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INDIVIDUALS, INSTITUTIONS, THEIR SUCCESSORS AND/OR ASSIGNS OR SUBSEQUENT OWNERS.
2. UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUBDIVISION 2 OF THE N.Y. STATE EDUCATION LAW. ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S INKED SEAL OR HIS EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES.
3. SUBJECT TO AN UP TO DATE ABSTRACT OF TITLE, SUBJECT TO UNDERGROUND UTILITIES AND EASEMENTS NOT RECORDED AND/OR NOT VISIBLE AT TIME OF FIELD SURVEY.

LANDS N/F OF  
SAFDER, VARGHESE & THOMAS  
SECT. 52, BLK. 1, LOT 31  
L.3089 P.301

TOTAL AREA = 41.233 ACRES

TAX MAP DESIGNATION

SECTION 56, BLOCK 1, LOT 19.15

DEED REFERENCE

LIBER 4233 PAGE 4242

PLANNING BOARD APPROVAL BLOCK

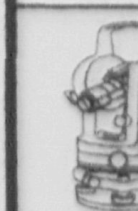
APPROVAL GRANTED BY TOWN OF NEW WINDSOR

APR 11 2001  
By: James Petro, Jr., Chairman  
By: James Brennan, Secretary

FILED MAP REFERENCE:  
BEING LOT #5 AS SHOWN ON A MAP ENTITLED  
"5 LOT SUBDIVISION - LANDS OF PARK ROAD  
CONSTRUCTION CORP." FILED IN THE ORANGE  
COUNTY CLERKS OFFICE ON AUGUST 30, 1995  
AS MAP NUMBER 161-95

SHEET 1 OF 2 IS INVALID AND INCOMPLETE, AND  
CAN NOT BE FILED WITHOUT SHEET 2 OF 2

VICTOR H. ERIKSON N.Y.S. P.E., L.S.  
2856 N.Y.S. ROUTE 302  
MIDDLETOWN, NY 10941



DANIEL P. YANOSH N.Y.S. L.S.  
2194 N.Y.S. ROUTE 302 - P.O. BOX 320  
CIRCVILLE, NEW YORK 10919  
PHONE #: (845) 361 - 4700 FAX #: (845) 361 - 4722

3-LOT SUBDIVISION

LANDS OF:  
HIGH VIEW ESTATES  
OF ORANGE COUNTY, INC.  
TOLEMAN ROAD, TOWN OF NEW WINDSOR  
COUNTY OF ORANGE, STATE OF NEW YORK

SHEET#

1 of 2

DRAWN BY: T.M. CHECKED BY: D.P.Y. SCALE: 1" = 100' DATE: 10-29-98 JOB#: 92084

RECEIVED 1002 12 833 99-2 1  
FEB 21 2001

### SUBDIVISION REGULATIONS

ZONE: R-1 (RURAL RESIDENTIAL)

#### MINIMUM REQUIREMENTS:

LOT AREA	43,560 sq. ft.
NET AREA	43,560 sq. ft.
LOT WIDTH	125 FEET
FRONT YARD	45 FEET
REAR YARD	50 FEET
SIDE YARD	20 FEET
BOTH SIDES	40 FEET
STREET FRONTAGE	70 FEET
FLOOR AREA	1,200 SQ. FT.
MAXIMUM ALLOWED:	
BUILDING HEIGHT	35 FEET
% DEV. COVERAGE	10 %

#### PROVIDED

LOT 1	LOT 2	LOT 3
1,796,109 sq. ft.	475,005 sq. ft.	393,902 sq. ft.
1,796,109 sq. ft.	355,605 sq. ft.	351,302 sq. ft.
130.99 FT.	820.01 FT.	398.62 FT.
48 ± FT.	620 ± FT.	750 ± FT.
650 ± FT.	55 ± FT.	180 ± FT.
195 ± FT.	90 ± FT.	90 ± FT.
950 ± FT.	380 ± FT.	380 ± FT.
127.53 FT.	836.50 FT.	409.78 FT.
1,880 SQ. FT.±	1,880 SQ. FT.±	1,880 SQ. FT.±

OCTOBER 29, 1998

CERTIFY TO:

HIGH VIEW ESTATES OF ORANGE COUNTY, INC.

TO BE A TRUE SURVEY PERFORMED IN THE FIELD  
ON 2-16-94 & 7-24-98 AND THAT IT IS TO THE  
BEST OF MY KNOWLEDGE AND BELIEF CORRECT.

DANIEL P. YANOSH L.S.  
N.Y.S. L.C. # 49561

### ENGINEER'S CERTIFICATION:

I HEREBY CERTIFY THAT THE PROPOSED SEWERAGE AND WATER FACILITIES  
FOR EACH LOT ARE DESIGNED IN ACCORDANCE WITH THE STANDARDS AND  
REQUIREMENTS PROMULGATED BY THE NEW YORK STATE DEPARTMENTS OF  
HEALTH AND ENVIRONMENTAL CONSERVATION FOR RESIDENTIAL LOTS, AND  
FURTHER THAT SUCH DESIGN IS BASED UPON ACTUAL SOIL AND SITE  
CONDITIONS FOUND UPON SUCH LOT AT THE DESIGN LOCATION AT THE  
TIME OF SUCH DESIGN.

THE ACTUAL INSTALLATION OF SUCH SEWERAGE AND WATER FACILITIES  
SHALL BE IN ACCORDANCE WITH THE DESIGN AND AT THE LOCATION AS SO  
CERTIFIED ON THIS SUBDIVISION PLAT.

VICTOR H. ERIKSON  
N.Y.S.P.E. #28696

DATE

### RECORD OWNER & SUBDIVIDER:

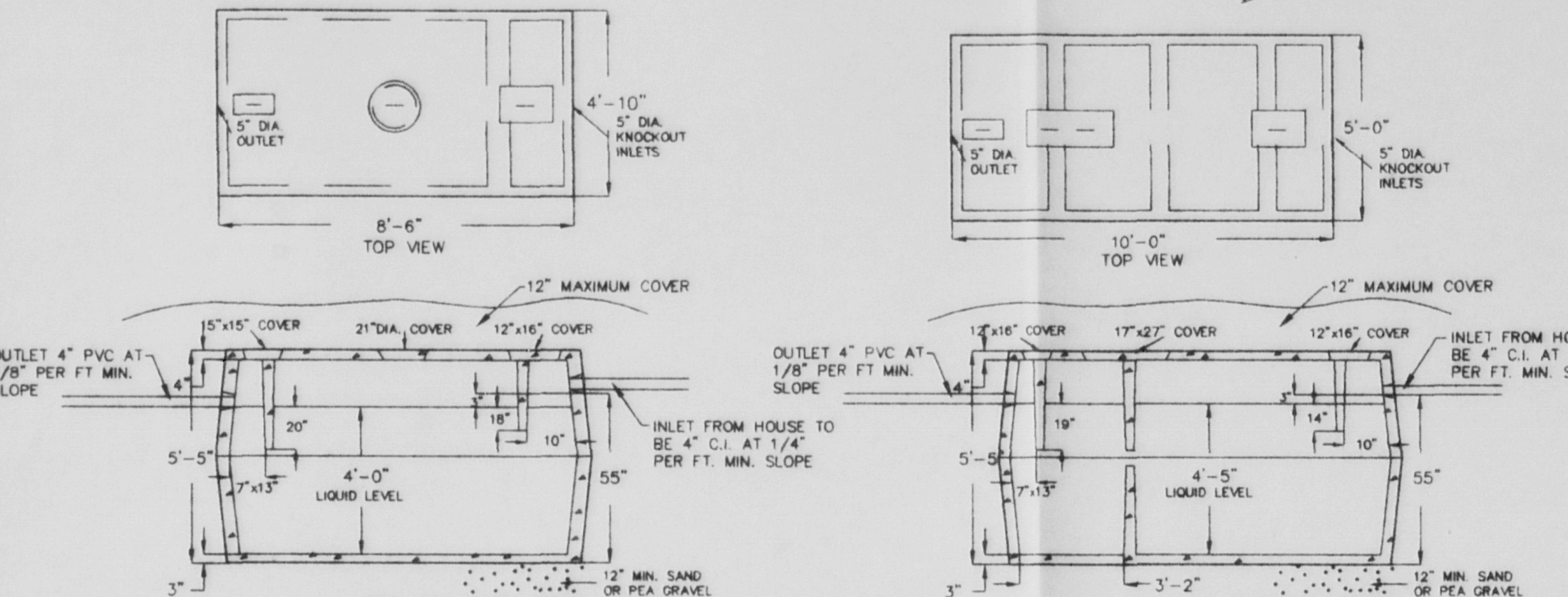
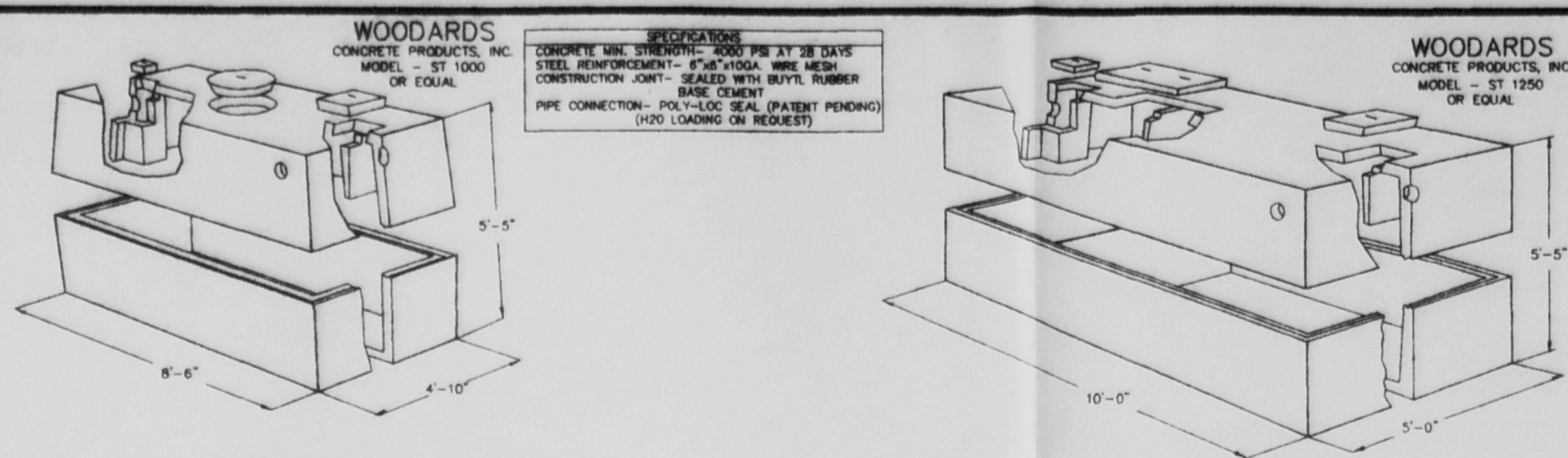
HIGH VIEW ESTATES OF ORANGE COUNTY, INC.  
P.O. BOX 286  
SALISBURY MILLS, NEW YORK 10940

I HEREBY AGREE, UPON BY REVIEW, THAT THIS MAP MEETS  
MY APPROVAL AND IS CONCURRENT WITH MY INTENT.

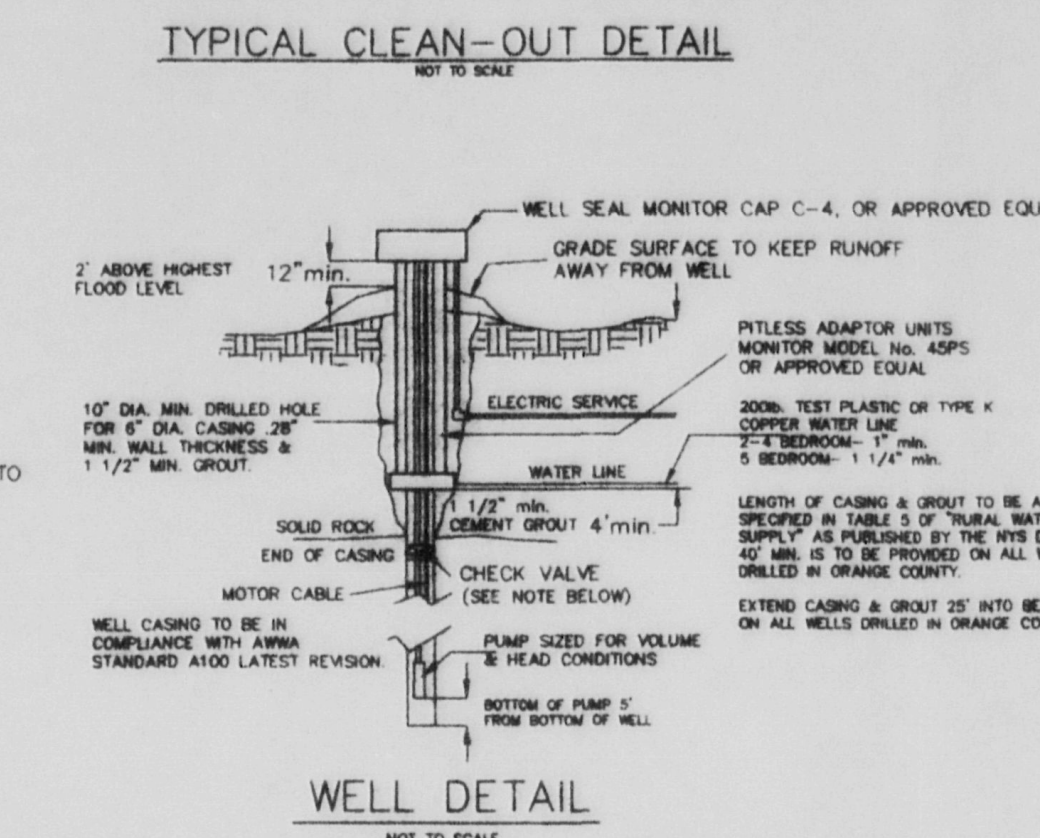
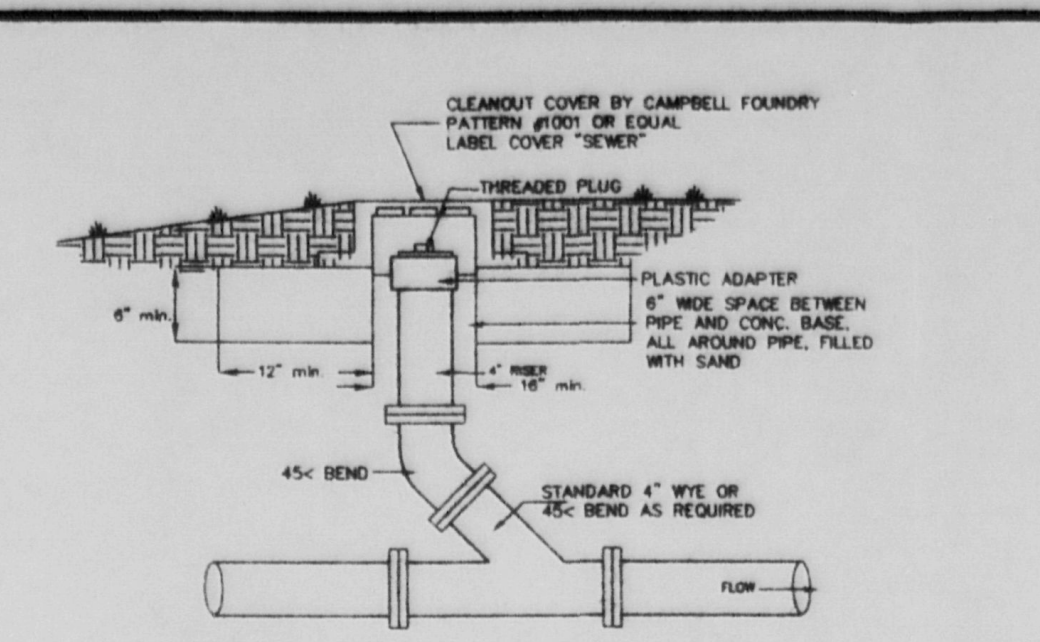
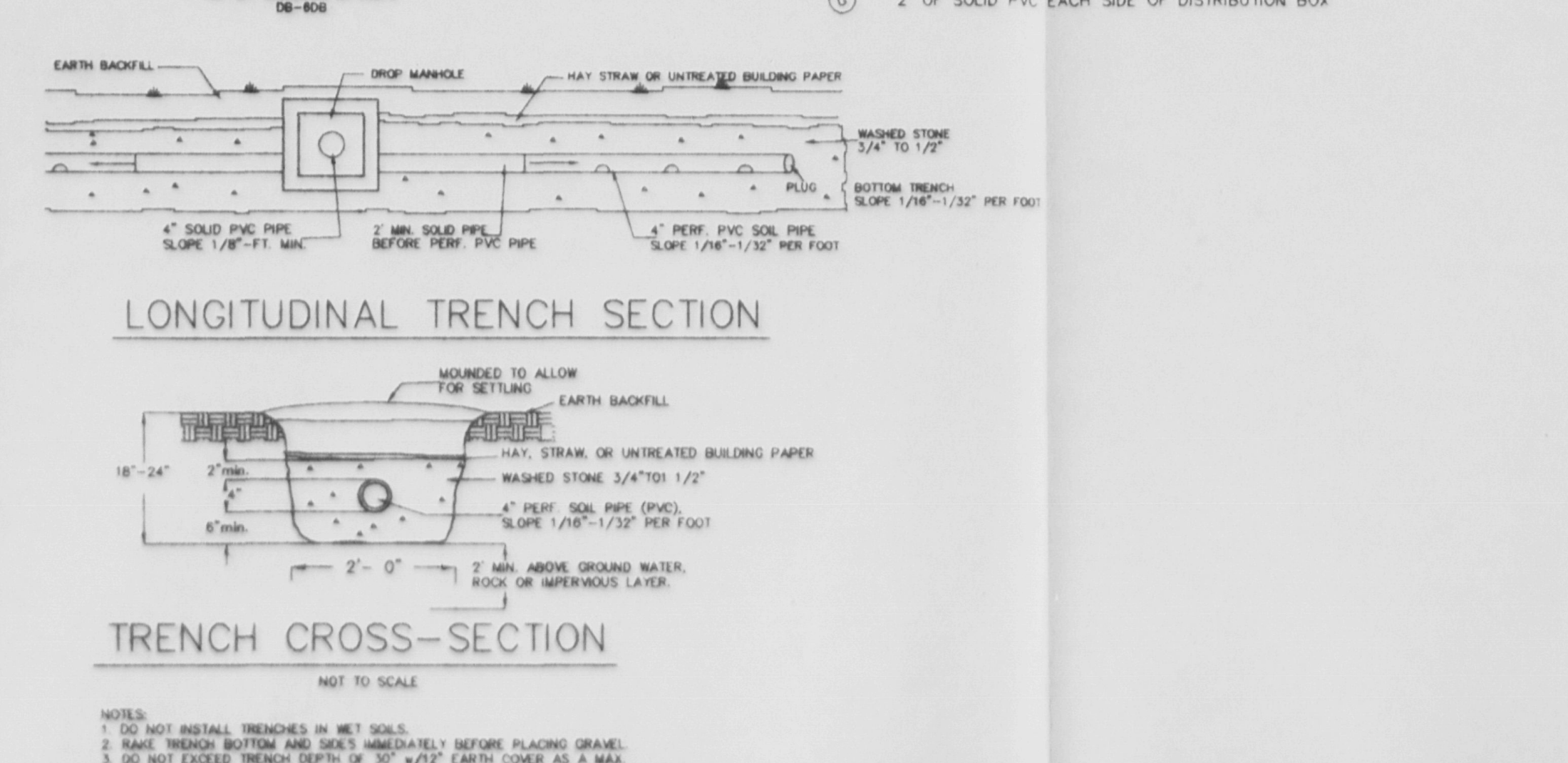
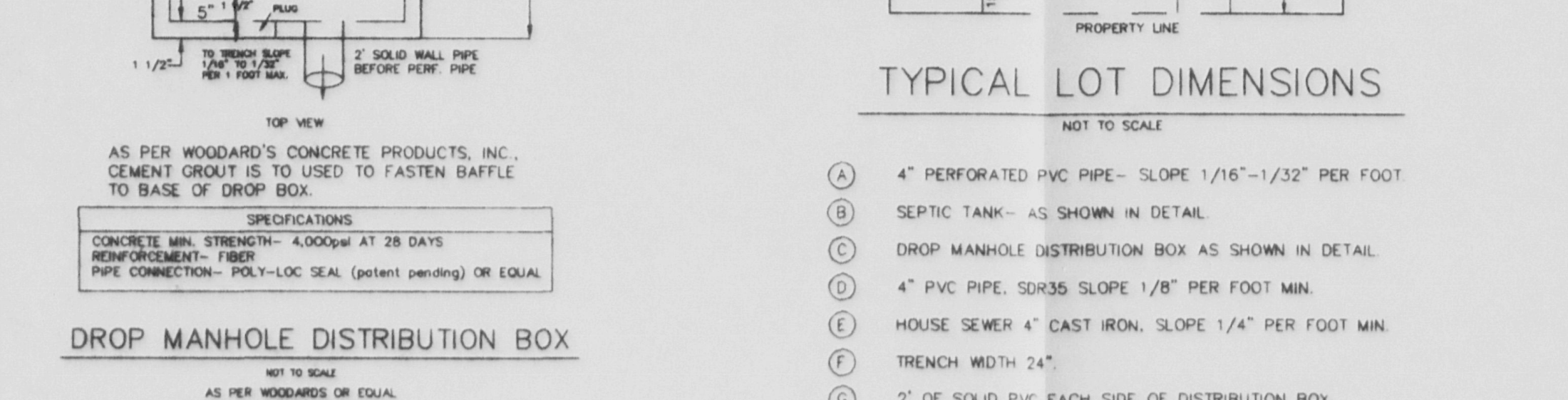
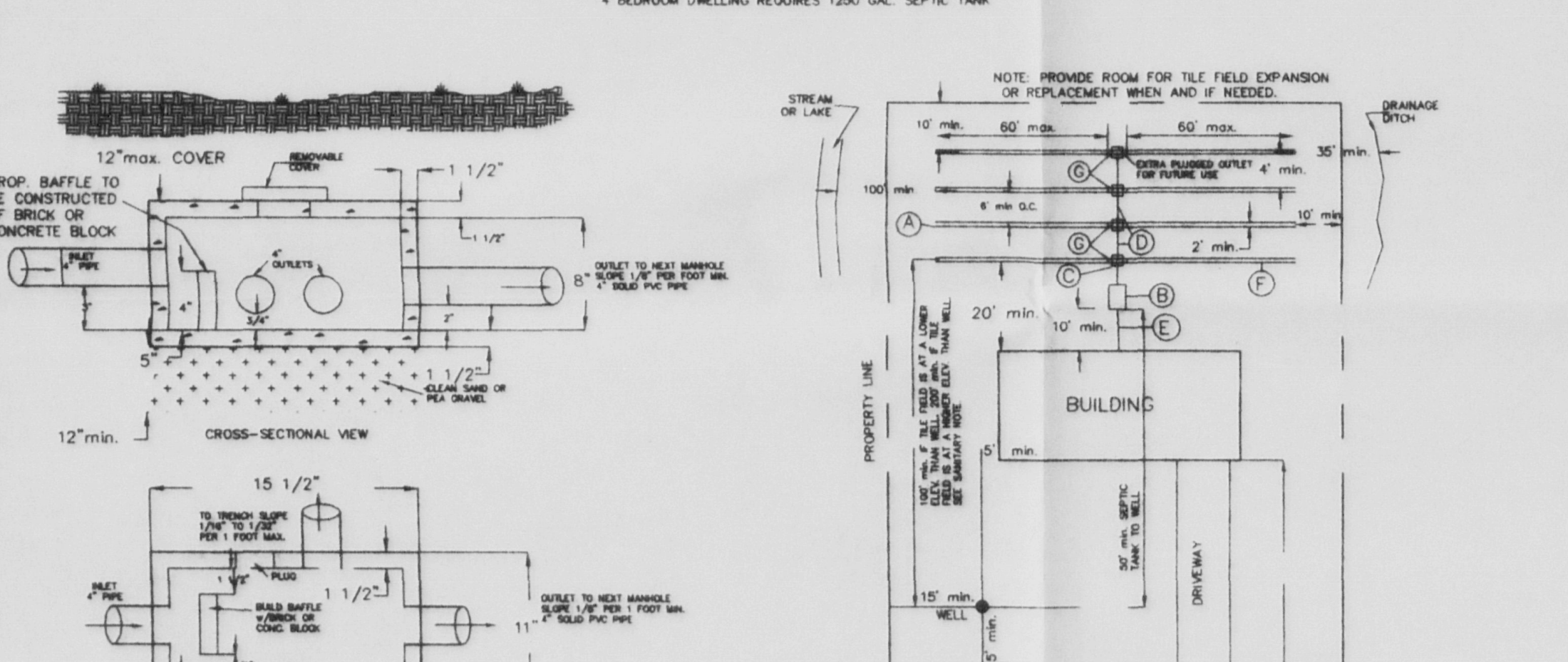
OWNER

DATE

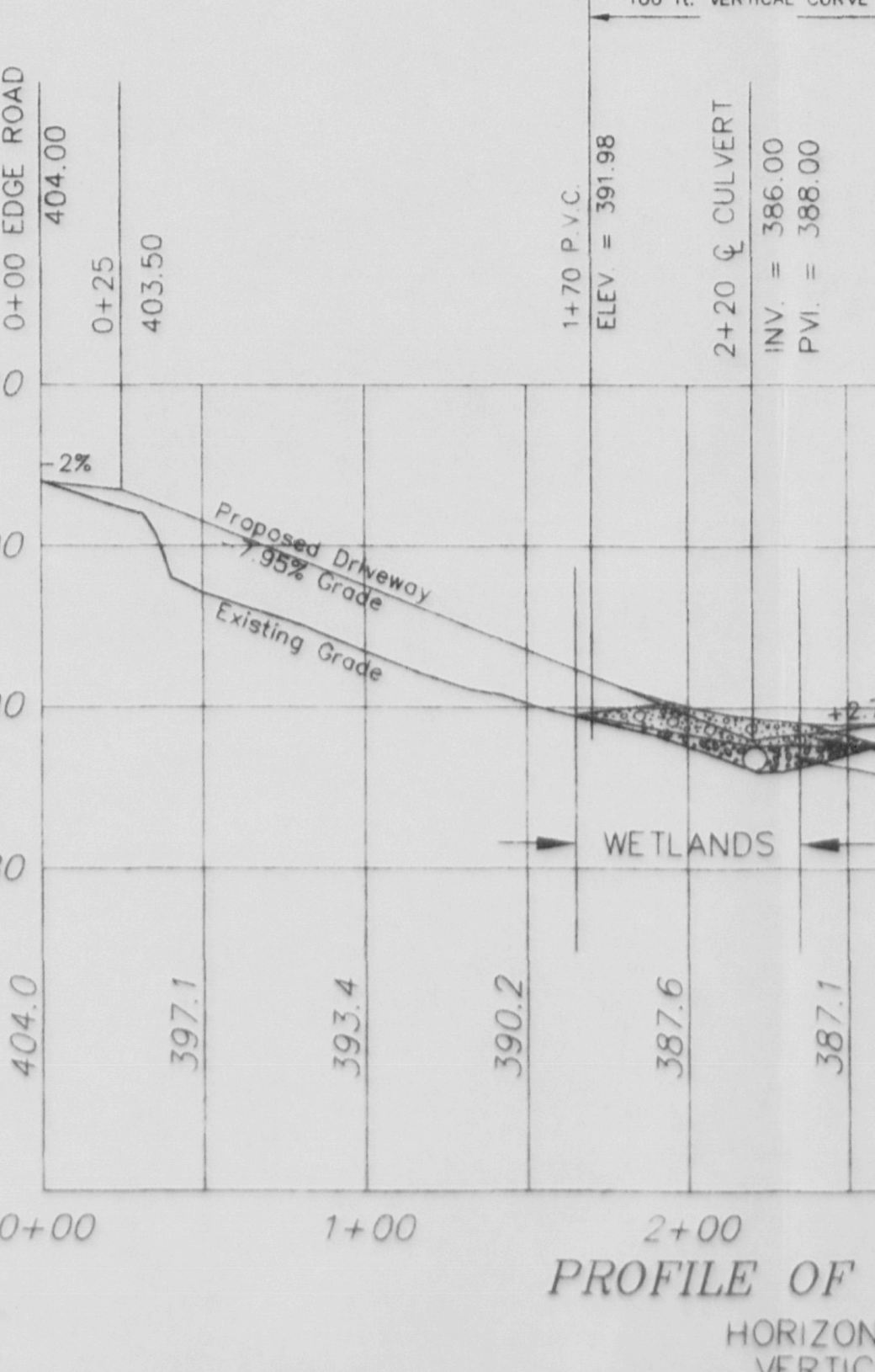
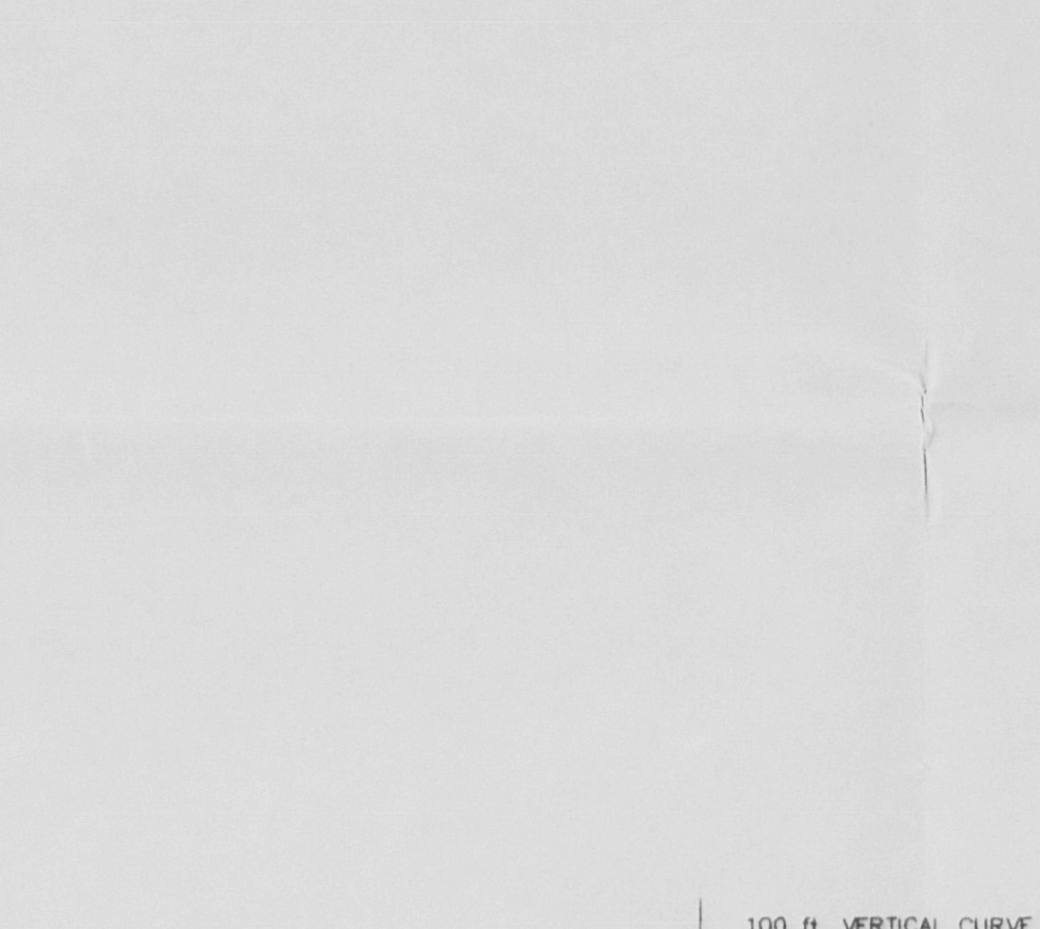




**TYPICAL CONCRETE SEPTIC TANKS**  
 NOT TO SCALE  
 3 BEDROOM DWELLING REQUIRES 1000 GAL. SEPTIC TANK  
 4 BEDROOM DWELLING REQUIRES 1250 GAL. SEPTIC TANK



**WELL DETAIL**  
 NOT TO SCALE  
 NOTES: 1. ALL DEPTH MEASUREMENTS TO BE MADE TO THE BOTTOM OF THE WELL. 2. WELL CONSTRUCTION TO CONFORM TO THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION'S REGULATIONS. 3. POSITIVE SEALING, CAST BRONZE WITH GASKET, BRASS, MONEL, INVAR, AND STAINLESS STEEL SELF-LOCKING NUTS AND WASHERS. 4. WELL CASING TO BE 1/2" MIN. GIRTH.



### SEPTIC SYSTEM NOTES:

- Footings, roof and cellar drains shall not be connected to the disposal system and shall be discharged away from the same.
- Grade to drain surface water around and away from disposal field and seed to grass.
- All trees & shrubs must be cut from the tile field areas.
- There shall be no substantial change in ground surface elevations or grades at the location of the field installation, virgin soil to remain undisturbed before the tile field installation.
- Septic system design shall be a minimum 1,250 gallon septic tank and tile length as indicated.
- All work shall be done in accordance with recommended standards and criteria as specified by the New York State Department of Environmental Conservation and the New York State Department of Health.
- No garbage grinders are permitted.
- A minimum of 4" of usable soil must be provided over any bedrock or ground water encountered.
- No driveways, roadways or parking area shall be constructed over any portion of the sanitary disposal system.
- No component part of any sewage disposal system shall be located or maintained within 100' of any spring, reservoir, brook, marsh, or any other body of water.
- Well must be at least 100' away from lower tile field and 200' away from higher tile field in the direct line of drainage.
- Pipe from house to septic tank to be straight and at constant grade and shall be constructed of 4" H.C.P.
- Water saving fixtures and devices recommended for home use.
- Sewage disposal systems must be laid out in the field, supervised and inspected during construction and certified as complete in accordance with the approved plans and New York State Standards by a professional engineer licensed in the State of New York.
- Town of New Windsor requirements in regard to permits and inspections to be observed.
- Reserve sewage system absorption area shall be equal to 50% of the size as her designed.
- All laundry waste and other gray water to be discharged to septic system.
- Piping to be laid on a firm foundation at a minimum slope as shown, without any bends or depressions.
- Sewage system separation distances to comply with separation distances chord provided (see details).
- Contractor shall inspect septic tank after the first year's operation to insure against abnormal sludge build up as set forth in Table 5 of the New York State Department of Health Waste Treatment Handbook.
- The septic system is to be inspected by a N.Y.S. licensed professional engineer at the time of construction. Written certification is to be submitted to the Orange County Health Department and the local code enforcement official, prior to occupancy, verifying that the system is installed in accordance to the approved plans, that the septic tank joints are sealed and tested for water tightness, and that the tank is installed in accordance to the manufacturer's instructions.
- Heavy equipment shall be kept off of the area of the tile field except for the actual construction of the field.
- If a total of more than 49 lots are created by this and any subsequent subdivision of this entire property, public water supply and sewerage will be provided to all lots including those on this subdivision.
- All wells, sewage disposal systems and other sanitary facilities must be constructed in full accordance with these plans. Any change in location or design must have the prior written approval of the Town of New Windsor Engineer.
- If upon development of the well on each lot, the hardness content is found to be excessive, the owner at his or her option may elect to install a culligan mark 89 water conditioner model #8585783 or equal to reduce hardness. The use of this water softener will increase the sodium content of the water of 46 mg/l for each 100 mg/l of hardness removed.
- Backwash water anticipated to be a maximum of 35 gallons per backwash, at a frequency of less than one backwash per day, will be discharged to the septic system, through an air gap.

### SEPARATION DISTANCES FROM WASTEWATER SOURCES

WASTEWATER SOURCES	WELL OR (a) SUCTION LINE	TO STREAM, LAKE OR WATER COURSE (c)	DWELLING	PROPERTY LINE
HOUSE SEWER (WATER TIGHT JOINTS)	25' if c.i. pipe 50' otherwise	25'	---	10'
SEPTIC TANK	50'	50'	10'	10'
EFFLUENT LINE TO DISTRIBUTION BOX	50'	50'	10'	10'
DISTRIBUTION BOX	100'	100'	20'	10'
ABSORPTION FIELD	100' (b)	100'	20'	10'
SEEPAGE PIT (none in coarse gravel)	150' (b)	100'	20'	10'

ABSORPTION FIELD - 35' SEPARATION DISTANCE TO A DRAINAGE PIPE, SWALE OR CATCH BASIN

(a) Water service and sewer lines may be in the same trench if cast iron sewer with lead-coupled joints is laid at all points 12" below water service pipe or sewer may be on a dropped shelf at one side at least 12" below water service pipe, provided that sewer pipe is laid below frost with tight and root-proof joints and is not subject to settling, superimposed loads or vibration. Water service lines under pressure shall not pass closer than 10' of a septic tank, absorption tile field, leading pit, privy or any other part of a sewage disposal system.

(b) Sewage disposal systems located of necessity upgrade in general path of drainage to a well should be spaced 200' or more away.

(c) mean high water mark

### PERCOLATION TEST DATA

PERFORMED: FEB. 1, 1994  
 LOT # 2 - TEST # 1  
 START FINISH RATE  
 1:10 1:14 4 MIN.  
 1:15 1:22 7 MIN.  
 1:23 1:31 8 MIN.  
 1:32 1:40 8 MIN.

PERFORMED WITH TOWN REPRESENTATIVE  
 LOT # 2 - TEST # 2  
 START FINISH RATE  
 9:57:30 10:05:30 8 MIN.  
 10:21:20 10:31:20 10 MIN.  
 10:32:40 10:42:40 10 MIN.

DESIGN RATE: 8 - 10 MINUTES  
 2 BEDROOMS: 145 L.F. REQUIRED  
 3 BEDROOMS: 217 L.F. REQUIRED  
 4 BEDROOMS: 290 L.F. REQUIRED (300 L.F. SHOWN)

### DEEP TEST PIT DATA

PERFORMED FEBRUARY 24, 1999  
 LOT # 2  
 0 - 6" TOPSOIL, COBLES 24" TO 36"  
 6" - 30" SILT LOAM  
 30" - 72" SANDY LOAM, SOME GRAVELS  
 72" NO ROCK LEDGE, NO GROUND WATER

LOT # 3  
 0 - 6" TOPSOIL, COBLES 12" TO 24"  
 6" - 24" SILT LOAM  
 24" - 72" SANDY LOAM, SOME GRAVELS  
 72" NO ROCK LEDGE, NO GROUND WATER

### STRAW BALE CHECK DAM

### STRAW BALE DIKE NOTES:

- BALES SHALL BE PLACED AT THE TOE OF A SLOPE OR ON THE CONTOUR AND IN A ROW WITH ENDS TIGHTLY ABUTTING THE ADJACENT BALES.
- EACH BALE SHALL BE EMBEDDED IN THE SOIL A MINIMUM OF 4" AND PLACED SO THE BUNDLES ARE HORIZONTAL.
- BALES SHALL BE SECURELY ANCHORED IN PLACE BY EITHER TWO STAKES OR REBARS DRIVEN THROUGH THE BALE. THE FIRST STAKE IN EACH BALE SHALL BE DRIVEN TOWARD THE PREVIOUSLY LAD BALE AT AN ANGLE TO FORCE THE BALES TOGETHER. STAKES SHALL BE DRIVEN FLUSH WITH THE BALE.
- INSPECTION SHALL BE FREQUENT AND REPAIR REPLACEMENT SHALL BE MADE PROMPTLY AS NEEDED.
- BALES SHALL BE REMOVED WHEN THEY HAVE SERVED THEIR USEFULNESS SO NOT TO BLOCK OR IMPED STORM FLOW OR DRAINAGE.
- STRAW BALE DIKES HAVE AN ESTIMATED DESIGN LIFE OF 3 MONTHS.

### SEEDING NOTES:

- LIME, FERTILIZER AND SEED ARE TO BE APPLIED WITHIN 24 HOURS OF FINAL SOIL DISTURBANCE TO ELIMINATE THE NEED FOR SURFACE SCARIFICATION.
- APPLY THE AMOUNT OF LIME NEEDED TO ATTAIN A pH OF 5.5.
- APPLY AT LEAST 30 POUNDS OF NITROGEN AND 60 POUNDS EACH OF PHOSPHORUS AND POTASSIUM (600 POUNDS OF 5-10-10 OR EQUIVALENT) PER ACRE.
- THE SITE TO BE GRASS SURFACED USING A MIXTURE WITH REDTOP (agrostis gigantea) SEED, AS FOLLOWS:  

SEED MIXTURE	VARIETY	RATE IN #/AC.	#/1000 FT.
CREEPING RED FESCUE	ENSVLVA	5	5
or TALL FESCUE	KY-31	5	5
REDDTOP	COMMON	2	1
- BECAUSE THE SOIL TYPE IS SOMEWHAT EXCESSIVELY DRAINED AND SUBJECT TO DROUGHT CONDITIONS, SEED IS TO BE PLANTED AS EARLY IN THE SPRING AS POSSIBLE.
- THE SITE WILL BE SEED BY USING THE TRACKING TECHNIQUE. A BULLDOZER IS TO BE RUN UP & DOWN THE SLOPE BROADCASTING SEED AND COVERING THE ENTIRE AREA WITH TRACKS.
- MULCH IS TO BE APPLIED AS STRAW AT A RATE OF 2 tons/acre (90 lbs/1,000 s.f.) USING A STRAW CHOPPER OR BEDDING CHOPPER. MULCH IS TO BE APPLIED IMMEDIATELY AFTER SEEDING.
- THE STRAW MULCH IS TO BE ANCHORED BY APPLYING WOOD FIBER MULCH (Hydramulch) AT 750 lbs/acre (17-20 lbs/1,000 s.f.), IMMEDIATELY AFTER THE STRAW MULCHING.

APPROVAL GRANTED BY TOWN OF NEW WINDSOR

By: *James Petro, Chairman*  
*James Petro, Secretary*

SHEET 2 OF 2 IS INVALID AND INCOMPLETE, AND CAN NOT BE FILED WITHOUT SHEETS 1 OF 2

**VICTOR H. ERIKSON N.Y.S. P.E., L.S.**  
 2856 N.Y.S. ROUTE 302  
 MIDDLETOWN, NY 10940

REVISED: SEPTEMBER 20, 1999 - SOILS TESTS  
 MAY 25, 2000 - SEEDING NOTES

**DANIEL P. YANOSH N.Y.S. L.S.**  
 2194 N.Y.S. ROUTE 302 - P.O. BOX 320  
 CIRCLEVILLE, NEW YORK 10819  
 PHONE #: (914) 361 - 4700 FAX #: (914) 361 - 4722

**DETAILS & SEPTIC NOTES**

LANDS OF:  
**HIGH VIEW ESTATES**  
 OF ORANGE COUNTY, INC.  
 POLEMAN ROAD, TOWN OF NEW WINDSOR,  
 COUNTY OF ORANGE, STATE OF NEW YORK

DATE: 10-29-99  
 JOB: 92-084D

STATE OF NEW YORK  
 JAMES PETRO, Chairman  
 JAMES PETRO, Secretary

Y.N.S. LIC. # 28686 TM Y.H.E. AS NOTED